HER MAJESTY’S GOVERNMENT

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

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BARONESSSES IN WAITING—Baroness Vere of Norbiton, Baroness Sugg CBE §, Baroness Goldie DL, Baroness Stedman-Scott DL, Baroness Manzoor CBE
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

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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
Oral Answers to Questions

DEFENCE

The Secretary of State was asked—
Commonwealth: UK National Security

1. Sir David Amess (Southend West) (Con): What assessment he has made of the importance of the contribution of the Commonwealth to UK national security.

The Secretary of State for Defence (Gavin Williamson): The national security capabilities review emphasised the importance of our bilateral and regional relationships, and our influence in international institutions. The Commonwealth is an integral element of our global approach.

Sir David Amess: Does my right hon. Friend agree that Commonwealth troops made a vital contribution to our successes in the first and second world wars? Accordingly, what measures is his Department taking to encourage more Commonwealth citizens to join the British armed forces?

Gavin Williamson: My hon. Friend is absolutely right. More than 3 million Commonwealth and empire soldiers took part in the great war, serving alongside British servicemen, and 200,000 lost their lives. We are looking at increasing the number of Commonwealth nationals who can join our armed forces, as we recognise the important contribution they made to our international armed forces.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Does the Secretary of State agree that we owe a huge debt to the Commonwealth not only for conflicts of the past, but for those of the future? Is it not time that we started to use the Commonwealth Parliamentary Association to actually talk about big issues such as defence and the things that join legislators across the world, rather than as a meaningless talking shop?

Gavin Williamson: We certainly do not want meaningless talking shops. The hon. Gentleman makes a valid point; perhaps I should make him an honorary colonel to take the message right around the Commonwealth and get it across. He makes a valuable point about the important network of influence that the Commonwealth provides, which is demonstrated every time we visit Commonwealth countries. We are looking closely at how we can do more with Commonwealth armed forces.

Mr Philip Hollobone (Kettering) (Con): Cyprus is a member of the Commonwealth and our sovereign base areas there are a vital part of Britain’s defence. Cyprus is also a member of NATO and the EU. When my right hon. Friend speaks to his Cypriot counterparts, does he find that they share our concerns about the development of the European army that is now being proposed, and how that might undermine NATO?

Gavin Williamson: I have not had any conversations with my Cypriot opposite number about any European army, but let me be absolutely clear that Britain will not participate in a European army. The cornerstone of our defence in the United Kingdom, on continental Europe and in the north Atlantic is the North Atlantic Treaty Organisation, not the European Union.
Nick Smith (Blaenau Gwent) (Lab): What is the Secretary of State’s assessment of the number of Commonwealth citizens who might join our Army next year?

Gavin Williamson: We expect up to 1,350 Commonwealth citizens to join our armed forces next year.

2. Bill Grant (Ayr, Carrick and Cumnock) (Con): What steps his Department is taking to provide mental health support to members of the armed forces.

Mr Ellwood: Combat Stress came about after the first world war, from which people were returning with conditions that we did not understand then. Today, 100 years later, Combat Stress continues to provide vital support, working with our armed forces to ensure that we provide the support necessary for those affected by such conditions, and I pay tribute to the work it has done. I recognise, however, that occasionally people do not get the treatment they are due. We are ensuring that all those who need it, no matter the circumstances, receive the support they deserve.

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Dr David Drew (Stroud) (Lab/Co-op): I congratulate the Minister on Thursday’s debate, which was both informative and very interesting. Will he commit to write to every health body and local authority to explain exactly what they should be doing? I learnt an awful lot and they should be doing much more. I hope he will inform them of what they should be doing.

Mr Ellwood: One reason we introduced the Veterans Board, which is chaired by the Defence Secretary, was to hold other Government Departments to account. They have a duty of care to our armed forces personnel and their families, and to veterans. I am grateful for his comments on the important debate we had last week. It is imperative that all clinical commissioning groups and local authorities recognise their duty to the armed forces covenant. We should have the same standards across the entire country.

Trident

3. Jack Brereton (Stoke-on-Trent South) (Con): What assessment he has made of the importance of Trident to national security.

The Secretary of State for Defence (Gavin Williamson): The first responsibility of Government is the protection and defence of the United Kingdom and its citizens. Nuclear sits at the apex of our defence and deterrence strategy. It is there to deter the most extreme threats to our national security and our way of life.

Jack Brereton: I thank my right hon. Friend for that response. As we mark the 50th anniversary of the continuous at-sea deterrent and look to Trident’s renewal, what more will he do to ensure that new supply chains benefit British manufacturers most, especially those in Stoke-on-Trent South?

Gavin Williamson: I am very much looking forward to joining my hon. Friend in a visit to Goodwin International, a brilliant example of a firm in Stoke-on-Trent that supplies the UK and operations right across the globe. It goes to show that the investment we are making in our nuclear deterrence not only benefits greatly the people of Barrow, but supports a global supply chain and an enormous supply chain in the United Kingdom.

Mr Speaker: For those who were not here on Thursday I reiterate, I hope on behalf of the whole House, congratulations to the hon. Member for Bridgend (Mrs Moon) on her election as President of the NATO Parliamentary Assembly. It is with some joy that I call not only Mrs Madeleine Moon, but President Moon. [Hon. Members: “Hear, hear.”]

Mrs Madeleine Moon (Bridgend) (Lab): I wonder whether the Secretary of State agrees with me that the nuclear deterrent—I stress the word “deterrent”—is also a vital part of our NATO alliance security and defence strategy, and that it is vital not just for the UK but the whole of the alliance?

Gavin Williamson: If I may address Madam President on that point, Mr Speaker, the hon. Lady is absolutely right. We are the only country that assigns its nuclear deterrence to the defence of NATO, so it plays a vital role. It also plays an important role in ensuring that Britain is an even more powerful voice within NATO and acts in a real leadership role in that organisation.
Bob Stewart (Beckenham) (Con): It is great to follow a president, for the first time in my life. Although we have strategic nuclear forces, we do not have tactical nuclear weapons. That is a gap in our strategic escalatory ladder. Will my right hon. Friend assure me that we work very closely with our NATO allies, which do have such weapons, so we can ensure no gaps in escalation if, heaven forbid, that were to be necessary?

Gavin Williamson: We always work very closely with all our NATO allies, looking at the broad range of threats that Britain and our NATO allies face. We often talk about nuclear deterrence, but we must not forget the importance of conventional deterrence as well, which is provided by all our forces, the Royal Navy, the Royal Air Force and the British Army, whether that is about our forces having the right capabilities or where they are deployed. We are leading NATO in terms of our deployments in Estonia, Poland and, through the summer, Romania.

Mr Kevan Jones (North Durham) (Lab): In light of the press speculation about the financial position of Babcock plc, what assurances can the Secretary of State give not only that the company is able to carry out the current refits of our nuclear submarines, but about any threat that there is to our continuous at-sea deterrent?

Gavin Williamson: We always work incredibly closely with all our suppliers to ensure that there is uninterrupted supply and support for all our forces. That is what we will continue to do with Babcock.

Kevin Foster (Torbay) (Con): The latest Russian aggression towards Ukraine shows the type of blackmail that western Europe could be subjected to if it did not have the protection of NATO’s nuclear shield. However, does my right hon. Friend agree that this is not just about the jobs up in Cumbria? My father spent a lot of time refitting and maintaining our deterrent class fleet at Devonport, which is where we expect the Dreadnought class to be refitted.

Gavin Williamson: We can all be very proud of the skill and workmanship at the Devonport dockyard, which has been integral to looking after our nuclear deterrent for almost 50 years. It is something that it will continue to do long into the future.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Workers in Devonport dockyard are world class, their nuclear skills are second to none, and it is the only place in the country that can refit our nuclear submarines, but there is much disquiet about the communications between Babcock and the Ministry of Defence. Will the Secretary of State reassure us that the MOD and Babcock have picked up their communications so that any refit problems on HMS Vanguard—that Trident sub—can be resolved, and without the pressure of it looking as though our Trident subs will not be refitted on time?

Gavin Williamson: As I said earlier, we recognise not only the brilliant skills that are held at the Devonport dockyard, but the importance of having a strong relationship with all our suppliers. We always work very closely, whether it is with Babcock, BAE Systems or Rolls-Royce, on the availability and deliverability of all our military assets.

John Woodcock (Barrow and Furness) (Ind): The Secretary of State was obviously missed at our CASD reception, but we understand that he had a rather important emergency Cabinet meeting and noted that when he emerged from it, he remained as the Defence Secretary, which was helpful. Will he pay tribute from the Dispatch Box to the work that has gone into ensuring that we have had the continuation of the deterrent for 50 years, and does he agree that the problems with the refits make it all the more important that we deliver Dreadnought on time?

Gavin Williamson: I formally offer my apologies for not being able to attend the reception, which I sadly had to miss, but I look forward to attending a future one, and I would like to formally record my thanks to the men and women of Barrow, who have continuously worked so hard to provide us with the world’s cutting-edge submarine technology. Like the hon. Gentleman, I was very proud when I went through Barrow to see those Astute class submarines and the Dreadnought being built. It is absolutely integral to our national security. This is not just about the Royal Navy, but about the whole industrial supply chain pulling together to make sure that Dreadnought is delivered on time and in budget.

Intermediate-Range Nuclear Forces Treaty

4. Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): What representations he has made to his US counterpart on remaining in the intermediate-range nuclear forces treaty.

The Secretary of State for Defence (Gavin Williamson): We have a close dialogue with the United States at all levels on foreign and security policy, including the intermediate-range nuclear forces treaty. We share US concerns about certain new Russian missiles. The treaty has played a valuable role in supporting Euro-Atlantic security. We want to see it continue to stand, but that requires all parties to comply.

Drew Hendry: The Trump Administration’s withdrawal from the intermediate-range nuclear forces treaty has prompted Putin to say that it “wouldn’t be left without an answer from our side.” Many are now concerned that this may have recklessly opened the door to a chilling new nuclear arms race. Does the Secretary of State share this concern over such hardball diplomacy?

Gavin Williamson: There is one nation that is in breach of the treaty, and it is Russia. It needs to start complying with that treaty, and it needs to comply immediately. It is a treaty between those two nations, and currently there is one nation that is not complying with it.

Dr Julian Lewis (New Forest East) (Con): The intermediate-range nuclear forces treaty of 1987 was based on the zero-option offer, which was a great two-sided
deal between the Soviet Union and the west. Does the Secretary of State think that there are any lessons to be drawn from the negotiations which led to that successful deal, in that the west faced down the Soviet Union, walked out—or, at least, allowed the Soviet Union to walk out—without a deal when the Russians refused to accept the zero-option offer, and waited for them to come back and do a genuine deal that benefited both sides? Does he think that that successful two-sided deal has any lessons to teach us for the purpose of certain other negotiations that have so far worked out a lot less happily?

Gavin Williamson: I cannot imagine what my right hon. Friend is referring to, but I think that when it comes to the issue of Russia’s lack of compliance with its treaty obligations, we need to keep hammering home the message, with all our NATO allies, that it cannot ignore its treaty obligations and must start complying with them.

John Spellar (Warley) (Lab): Will the Secretary of State make clear that there could be dangers here, with threats not only to the INF treaty but to the strategic arms reduction treaty—START—talks on strategic nuclear weapons? Will he also, along with his colleagues in NATO, present a united front on NATO’s assessment, and that of the United States, that Russia is in serious breach of the INF treaty? Will he urge the Americans—who have not, as far as I am aware, announced that they have withdrawn, but have announced an intention to withdraw—not to do so, but also make clear that this is not a reaction from Russia, but a reaction from the west to actions by Russia?

Gavin Williamson: The right hon. Gentleman’s assessment is absolutely accurate. This is a US reaction to Russia’s lack of compliance with its treaty obligations. It is important for the whole of NATO to speak with one voice and make clear to Russia that it must start complying with its treaty obligations.

Fabian Hamilton (Leeds North East) (Lab): On 25 October, the Minister for Asia and the Pacific said, in response to an urgent question that I had tabled on US withdrawal from the INF treaty, “clearly we are in discussions with all our allies to avoid that outcome”. [Official Report, 25 October 2018, Vol. 648, c. 442.] At the same time, however, the Defence Secretary appeared to be supportive of the United States’ decision. Will he clarify exactly what the Government’s position really is? Does he not agree that, while Russia has undoubtedly breached its obligations under the treaty, it would be far better for the United States to remain within the auspices of the treaty and work to improve Russia’s compliance?

Gavin Williamson: A treaty that involves only two people and is not being complied with by one of the parties does not end up as the most successful of treaties. That is why we will continue to work with our NATO allies, and with partners around the world, to put pressure on Russia to start complying with its international treaty responsibilities. The United States is quite right to highlight the fact that Russia is in breach of its obligations.

**Transition to Civilian Life**

5. David Duguid (Banff and Buchan) (Con): What steps his Department is taking to support service personnel in making the transition to civilian life.

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): Every single year, 15,000 personnel depart from our armed forces, and I hope that I say on behalf of the entire House, “Thank you for your service.” They learn incredible skills while serving, and we need to ensure that the transition back into civilian life is as smooth as possible. I am pleased to say that 90% of those who participate in our transition scheme are either in education or back in employment within six months of departing the armed forces.

David Duguid (Banff and Buchan) (Con): What discussions has my right hon. Friend had with the Office for National Statistics, or the Registrar General for Scotland, about the feasibility of adding the category “armed forces veteran” to the national census, to help us to identify the location of our veterans?

Mr Ellwood: I am pleased to say that we have spoken to the National Audit Office, and we are proceeding with the census question to ensure that we have a better understanding of who is actually a veteran in this country. I think it would be very helpful in securing a better estimation. We understand that there are currently 2.5 million veterans, and that the figure will fall to 1.5 million over the next 10 years, but better data through the census will certainly help.

Diana Johnson (Kingston upon Hull North) (Lab): Does the Minister agree with me about the importance of the work done by small local charities, such as Hull Veterans Support Centre in Beverley Road, Hull, which works not only with the veterans, but with the family, and provide support, particularly at this time, around social security benefits and universal credit?

Mr Ellwood: The hon. Lady raises an important point. When we think of the armed forces, we think of those in uniform, and when we think of the veterans, we think of those who have served, but around every person who has served there is a family—a unit that has been with them every step of the way—and we must make sure that their needs are looked after as well. I pay tribute to all the service-facing charities, including the small ones, that do such an excellent job. It is also important to recognise the work of the Veterans’ Gateway that allows access to help with understanding where this support can be provided.

Mrs Anne Main (St Albans) (Con): Sleeping rough or being homeless is always hard, particularly at this time of year, and I pay tribute to my charity Open Door, which helps people in such circumstances. What assessment has the Minister made about the number of former personnel who have trouble accessing housing and are finding themselves homeless this Christmas?

Mr Ellwood: This issue was raised in the debates on the veterans strategy that we had a couple of weeks ago and on the covenant. It is very important that all local authorities recognise their responsibility in meeting their
objectives for the covenant, and I encourage every hon. Member in this House to visit their local authority and ask who their armed forces shop steward is—who the person is who is supposed to be there to make sure we are meeting the objectives, which include looking after those requiring housing or needing help because they are homeless.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I am sure the Minister is aware that the Secretary of State said recently that they are the armed forces shop steward, so I wonder why the Government disagree that armed forces personnel, including those transitioning into civilian life, would be better served by real shop stewards elected by an armed forces representative body.

Mr Ellwood: I put my hands up and say that we still need to work further on this—I made that clear in the debate as well—but the covenant is moving forward; we are holding other Government Departments to account, and I hope that will be made clearer when we report back on our findings next year.

Veterans’ Mental Health and Armed Forces Covenant

6. Mr Alistair Carmichael (Orkney and Shetland) (LD): When he last discussed the Government’s obligations for the mental health of veterans and the Armed Forces Covenant with the Secretary of State for Health.

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): We have regular discussions with the Department of Health and Social Care and, indeed, the Secretary of State for Health. As we just touched on, it is an important requirement that the health matters and the concerns of both veterans and armed forces personnel are met. That is not a direct responsibility of the MOD; it is a matter for the Department of Health and Social Care and we are working ever more closely with it.

Mr Carmichael: Further to the issue raised by the hon. Member for St Albans (Mrs Main), a UK veterans’ assistance charity estimates that the number of armed forces veterans living homeless at present is in the region of 13,000. That is a figure that should give us all pause for thought, and should, I would suggest, cause us to unite politically rather to divide. Will the Minister speak to the health service, the councils and other Government Departments to get something done on this?

Mr Ellwood rose—

Mike Kane (Wythenshawe and Sale East) (Lab): It needs more than a champion.

Mr Ellwood: The hon. Gentleman shouts that it needs more than a champion; I invite him to go to his local authority and ask what it is doing about that. This is a matter that goes down to local authorities; they have responsibility. / Interruption. / The right hon. Member for Orkney and Shetland (Mr Carmichael) says that there are 13,000; we need to disaggregate between whether they are rough sleeping or homeless. In some cases there are places available, and often the veterans are not aware of the help that can be provided—and that is exactly where the armed forces champion comes into play.

Melanie Onn (Great Grimsby) (Lab): Has the Minister assessed the impact on mental health of delays to appeal hearings for the armed forces compensation scheme?

Mr Ellwood: We are concerned about that. We do not want to see any delay in the allocation of armed forces compensation, and if the hon. Lady has a specific issue, I will be delighted to meet her to discuss it.

Armed Forces: Statutory Association Body

7. Patrick Grady (Glasgow North) (SNP): If the Government will award armed forces personnel the right to join a statutory association body.

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): With your permission, Mr Speaker, I will group this with Question 18.

Armed forces personnel are prohibited from joining any such lawful organisation. Personnel may become members of civilian trade unions and professional associations. If they are a member of a trade union, they cannot participate in any industrial action.¹

Mr Speaker: I do not think the grouping had previously been requested, although I would not go to the wall over that, but in any case it cannot apply for the very good reason that Question 18 has been withdrawn. However, I daresay the Minister will bear that burden with stoicism and fortitude.

Patrick Grady: Does the Minister not recognise that we owe our current and former personnel a voice in the development of the policies that serve and support them, and that that is what a statutory representative body would do? Does he agree that, at the very least, the House should have an opportunity to fully debate this? Will he therefore ask the Leader of the House to make time for the Armed Forces Representative Body Bill, introduced by my hon. Friend the Member for West Dunbartonshire (Martin Docherty-Hughes)?

Mr Ellwood: I am obviously saddened that there is less time to debate this important issue right now, let alone on any future occasion. I want to make it clear that our armed forces prepare not for the world that we live in but for the world that we might find ourselves in. We are the ultimate backstop. We are the ones who step forward and fill the gaps when there is a necessity to do so. We cannot do that if there is a threat of industrial action or if we are in some way unable to provide those services. By all means bring that debate on; I will be more than happy to explain in more detail why the status quo is correct.

UK-EU Defence Relationship

8. Mike Kane (Wythenshawe and Sale East) (Lab): What recent discussions he has had with the EU High Representative for Foreign Affairs and Security Policy on the UK’s future defence relationship with the EU.


15. Mike Amesbury (Weaver Vale) (Lab): What recent discussions he has had with the EU High Representative for Foreign Affairs and Security Policy on the UK’s future defence relationship with the EU.
The Secretary of State for Defence (Gavin Williamson): All Ministry of Defence Ministers meet their EU counterparts regularly to discuss important matters of European security. I attended the October NATO defence ministerial meeting, which was also attended by the High Representative for Foreign Affairs and Security Policy.

Mike Kane: For the record, Manchester’s armed forces champion is Councillor Tommy Judge, who was blown up twice by the IRA: once in the M62 bus bombing and once on the Falls Road. We know who are champions are. UK suppliers depend on just-in-time supply chains and therefore need frictionless trade. Does the Secretary of State agree that only a full customs union with the EU will ensure that?

Gavin Williamson: No, I do not.

Mike Amesbury: The Royal United Services Institute has concluded that the collapse in the value of the pound against the dollar following the Brexit vote could lead to additional costs of £700 million a year to the MOD. What is the Secretary of State’s Department doing to mitigate this?

Gavin Williamson: What we always do is look at how we can drive efficiency through the Department, how we can do procurement better and how we can procure more of our future capabilities and equipment from the United Kingdom.

Mr Marcus Fysh: The withdrawal agreement would commit the UK to all the EU’s state aid prevention rules without giving our defence industry any exemption from those rules. On what planet could we possibly support such a measure, which would destroy jobs across this nation and make our defence industry uncompetitive?

Gavin Williamson: We are looking to ensure that we have the freedom and independence that we need in terms of defence procurement, and that is integral to everything we are going to do. We will want to see whether there are options when it comes to having access to some programmes in the European Union, and if that works for Britain, we will consider it.

Stewart Malcolm McDonald: The Prime Minister has said that the UK is unconditionally supportive of Europe’s defence, and those of us on the SNP Benches welcome that, but the European Defence Agency has multiple associations for countries outside the European Union, including Norway and now Ukraine. Is it the Secretary of State’s intention to explore such an association membership for the UK after we leave the European Union?

Gavin Williamson: I am sure the hon. Gentleman will be aware that Britain was involved in the security of continental Europe long before the creation of the European Union. We feel quite confident that the cornerstone of our security is NATO, not the European Union, and that is where our focus is going to be.

Wayne David: Last Thursday, I asked the Prime Minister what the cost would be of developing a British alternative to the Galileo project, given that she has failed to negotiate Britain’s participation in Galileo, post Brexit. I received absolutely no answer from her. The cost would in fact be between £3 billion and £5 billion. Given the support of the Defence Secretary for this move, will he tell me whether the Treasury has agreed to pay that sum?

Gavin Williamson: It is typical of the Labour party to want to hand over money continually to the European Union for nothing in return. When we look at the satellite technology, we see that it has been developed here in the UK with British money. We are more than capable of delivering the system with international allies. I hate to have to point it out to the hon. Gentleman, but there are more international allies around the globe than just the European Union, such as the United States, Japan, Australia, South Korea and many others we can work with.

Departmental Funding

9. Phil Wilson (Sedgefield) (Lab): What recent discussions he has had with the Chancellor of the Exchequer on the adequacy of funding for his Department.

16. Louise Haigh (Sheffield, Heeley) (Lab): What recent discussions he has had with the Chancellor of the Exchequer on the adequacy of funding for his Department.

19. Wes Streeting (Ilford North) (Lab): What recent discussions he has had with the Chancellor of the Exchequer on the adequacy of funding for his Department.

The Secretary of State for Defence (Gavin Williamson): I hold regular discussions with the Chancellor. The additional £1.8 billion being invested in the defence budget reaffirms our commitment to protecting national security.

Phil Wilson: There is an additional £200 million for the Ministry of Defence this year, and £800 million the following year, but there is still a massive black hole to fill in the MOD budget. Will the Secretary of State stop asking for an inadequate bail-out and secure the finances that the MOD requires?

Gavin Williamson: Last year we saw £36 billion spent on defence, and next year we will see £39 billion, and we are investing £186 billion in defence procurement. We recognise that we have to look at how we make savings, which is why we have made £9.5 billion of efficiencies within our programme, to ensure that all three services get the equipment they need to safeguard the security of this nation.

Louise Haigh: The latest statistics show that Capita has managed to recruit only 10% of the officers and 7% of all other ranks that the Ministry requires for 2018-19. Is the Secretary of State satisfied with the adequacy of funding for recruiting the officers that the Ministry needs and with the performance of this failing provider?

Gavin Williamson: My understanding is that we are fully recruited for the officers. However, if the hon. Lady will allow me, I will write to her and confirm that that is the case.
Wes Streeting: The £1 billion from the Chancellor does not nearly make up for the £10 billion of real-terms cuts to the defence budget between 2010 and 2017. What more does the Secretary of State plan to do to ensure that his Department, and by extension our armed forces, are adequately resourced to tackle the emerging and changing threats facing our country?

Gavin Williamson: If we look at the choice between where Labour would take our defence policy and where we would take it, I know which would give Britain the greatest security. I think that all Government Members recognise the important role that our armed forces play, which is why we will keep investing in them.

Nia Griffith: The Government’s calamitous failure to manage the defence budget means that the MOD’s equipment plan is now completely unaffordable. The funding gap is somewhere between £7 billion and £15 billion. We all welcome the £1 billion which is why we will keep investing in them.

Alan Brown: If we look at the here and now, the Defence Committee report, “On Thin Ice: UK Defence in the Arctic,” confirms that the UK should focus more on its operability and presence in the Arctic. Right now, there are currently no Royal Navy vessels in Scottish waters and no indication of any resources being applied. Should not the Minister be doing more to protect Scottish waters?

Mark Lancaster: Let us be clear, there are lots of Royal Navy vessels in United Kingdom waters and, of course, any implementation of a Scottish strategy would be done within the realms of a United Kingdom strategy. I am pleased to say that earlier this year, for example, I visited HMS Trenchant on ICEX, in which it was the first British submarine in over 10 years to serve under the ice. Only this year we have had Royal Marines training in Norway. That will continue year on year, and they are training US marines. I am quite comfortable, and I am grateful for the Defence Committee’s report, “On Thin Ice,” as a result of which our activity is increasing.

James Gray (North Wiltshire) (Con): I warmly congratulate the Government on recommitting the 800 Royal Marines who are to be trained in north Norway over a 10-year period. That training is world class; it is so good that we are training the US marines for cold weather. Does the Minister agree that not only is it first-class training but it is an extremely important strategic deterrent to Russia? Russia is only 200 miles away across an open border, where it has two brigades of ice-trained troops near Murmansk.

Mark Lancaster: My hon. Friend is exactly right. Indeed, only last week I was in Oslo for a meeting of the Northern Group of nations. Collectively, we looked very carefully at what we can do together to complement each other, and I can assure the House that our Royal Marines are playing a valuable part in that training.

Defence Industry: Scotland

Bim Ainsworth: On 30 September we announced that the MOD would produce a UK Defence Arctic Strategy. Officials are developing the strategy now, in consultation with key stakeholders at home and away. We expect it to be published early next year.

Hugh Gaffney: Scotland is one part of the UK that could benefit from the contract for the fleet solid support ships being awarded to a UK bidder. Research by the GMB union has found that, if the fleet solid support contract were placed with UK shipyards, it could create and secure up to 6,500 vital jobs—as has just been mentioned, the aircraft carriers at Rosyth, and, of course, on the preparations for the new Dreadnought-class submarines at Faslane.

Hugh Gaffney: Scotland is one part of the UK that could benefit from the contract for the fleet solid support ships being awarded to a UK bidder. Research by the GMB union has found that, if the fleet solid support contract were placed with UK shipyards, it could create and secure up to 6,500 vital jobs—as has just been mentioned, the aircraft carriers at Rosyth, and, of course, on the preparations for the new Dreadnought-class submarines at Faslane.
**Stuart Andrew**: As I have said on many occasions, the fleet solid support ships are not classed as warships. There is no compelling national security reason to consider UK shipbuilding capacity as part of that procurement, but we are working very closely with industry, because we want it to become very competitive so that it not only attempts to win those contracts but is more successful with other contracts from around the world.

**Stephen Kerr** (Stirling) (Con): The SNP continues to sow uncertainty and create business risk by threatening a second independence referendum in Scotland. Will the Minister confirm to the House that such talk will not deter the Ministry of Defence from placing orders with Scottish companies?

**Stuart Andrew**: My hon. Friend is absolutely right. In the short time I have been in this role, I have spent a considerable amount of time in Scotland. I have been pleased to see the extent of the work and the fantastic achievement of the defence industry there, and long will that continue as far as we are concerned and are in charge of the MOD.

**Carol Monaghan** (Glasgow North West) (SNP): France classifies fleet solid support ships as “military”. Can the Minister explain why the UK does not?

**Stuart Andrew**: I am not going to comment on what other countries do.

**Outsourced Contracts**

12. **Mary Glindon** (North Tyneside) (Lab): What recent assessment he has made of the quality of service provided under outsourced departmental contracts.

**The Parliamentary Under-Secretary of State for Defence (Stuart Andrew)**: The MOD regularly monitors the performance of all its contractors, including outsourced services. That is carried out through the robust monitoring of contract performance indicators and taking action as appropriate where standards are not met.

**Mary Glindon**: Despite the fact that Capita has failed to fulfil its contract for Army recruitment, letting down both the Army and the taxpayer, the Government are now tendering to outsource veterans’ services as well. Does the Minister consider that the Government should be directly consulting and rewarding our veterans rather than multinational defence contractors who have proved time and again that they are incapable of delivering?

**Stuart Andrew**: I recognise there have been challenges in the Capita contract, but we are working closely with Capita on an improvement plan. We will always ensure that we do everything we can to support our veterans, and I know the Under-Secretary of State for Defence, my right hon. Friend the Member for Bournemouth East (Mr Ellwood) will be working day in, day out to support that.

**Gerald Jones** (Merthyr Tydfil and Rhymney) (Lab): The Government’s ideological obsession with outsourcing MOD contracts to the private sector has led to appalling service for personnel and families, poor value for money for the taxpayer and a worsening of terms and conditions for MOD workers. Many of the private companies that hoover up these services are in a fragile state of affairs financially. Will the Minister therefore tell the House what possible justification the Department has for privatising veterans’ services, given that this contract is currently being delivered perfectly well in-house?

**Stuart Andrew**: We will always ensure that we get the very best for the people who have served in the armed forces and that we get value for money for the taxpayer, too. That is the responsible thing the Government should do.

**European Defence Co-operation**

13. **Nigel Huddleston** (Mid Worcestershire) (Con): What recent discussions he has had with his European counterparts on strengthening defence co-operation. [907810]

**The Secretary of State for Defence (Gavin Williamson)**: I hold regular discussions with my European counterparts on a wide range of issues, including strengthening defence co-operation. This is done not only through organisations such as NATO, but on a bilateral basis.

**Nigel Huddleston**: NATO has been at the heart of our efforts to ensure security and peace in Europe. Will the Secretary of State confirm that, as we leave the EU, we will continue to be just as keen to participate in NATO, right alongside our European allies and friends?

**Gavin Williamson**: There is a misunderstanding that the European Union is the organisation that has delivered peace and security on the continent of Europe—we all know that for almost 70 years now that has been done by NATO, as my hon. Friend is right to point out. We will continue to liaise closely with all our partners, whether they are in the EU or not.

**Nia Griffith** (Llanelli) (Lab): The Prime Minister has managed to unite the whole House in opposition to her half-baked Brexit deal, which, after two years of negotiations, is remarkably short on detail on our future relationship with the EU. One of the many questions that remains unanswered is the nature of our participation in the European defence fund, with just a cursory reference to it in the political declaration. This matters to the UK defence companies and research partners who want to have full access to the grants that the fund provides, so can the Secretary of State confirm that that will be the case?

**Gavin Williamson**: As I am sure the hon. Lady is aware, 90% of our collaboration with European countries is done not through the European Union, but on a bilateral basis. I imagine that is where the greatest amount of growth will be in the future. We have the option of being able to participate in the European defence fund, but it is not necessarily something we will choose to participate in.
Royal Navy Surface Fleet

14. Kelvin Hopkins (Luton North) (Ind): What recent assessment he has made of the adequacy of the size of the Royal Navy surface fleet.

Mark Lancaster: Let us be clear: our armed forces continue to meet all their operational commitments and remain at over 93% manned. We should put this into perspective. We are not complacent, and I am pleased to say that there are the early green shoots of recovery, with the number applying to join the armed forces at a record five-year high. We have to allow those people to work their way through the system.

Kelvin Hopkins: Are we not desperately short of coastal defence vessels at a time when our borders and restored fishing grounds will need to be policed properly for the long term? If we ordered new such ships from British shipbuilders, we would secure thousands of jobs for the domestic economy and restore the strength of our vital coastal defences.

Mark Lancaster: The hon. Gentleman obviously missed the Secretary of State’s announcement this week that we will be keeping the three batch 1 offshore patrol vessels.

17. Richard Graham (Gloucester) (Con): Does my right hon. Friend agree that there is a balance between asserting our right to free passage in international waters and not unnecessarily aggravating strategic partners? Does he agree that the Royal Navy should bear that in mind carefully when planning ship routes through the South China sea?

Mark Lancaster: My hon. Friend makes an important point. I would like to think that we do find that balance. We have made three passages through the South China sea in recent months, and we are absolutely right to exercise our freedom of navigation rights.

Armed Forces Recruitment

20. Rachael Maskell (York Central) (Lab/Co-op): What steps he is taking to recruit personnel to the armed forces.

22. Tom Pursglove (Corby) (Con): What steps he is taking to encourage people to join the armed forces.

The Minister for the Armed Forces (Mark Lancaster):

We remain committed to maintaining the overall size of the armed forces. Importantly, the services continue to meet all their current commitments, keeping the country and its interests safe.

Rachael Maskell: In the light of the record 8,840 shortfall in armed forces personnel, most marked in the Army, which is a staggering 5,870 troops short, when will the Secretary of State recruit to the full quota of regular personnel?
role in NATO and maintaining our strong transatlantic links. The UK will retain sovereign control over its armed forces. The agreement simply allows us to work together when we think that is in our best interests. That will only be as a third-party relationship, respecting the UK’s sovereignty and the EU’s autonomy.

Mr Speaker: A short sentence, please.

Stewart Malcolm McDonald (Glasgow South) (SNP): As the UK is a signatory to the Budapest memorandum, what options are the Government considering in response to yesterday’s aggressive actions by Russia against Ukraine in the sea of Azov?

Gavin Williamson: I think that I speak on behalf of the whole House when I say how shocked we were to see Russia’s aggressive actions towards the Ukrainian navy. Just last week, I signed an agreement with my Ukrainian opposite number on how we can work closer together, and we will be having direct talks to discuss how we can offer assistance.

T4. [907827] Maggie Throup (Erewash) (Con): Will my right hon. Friend look at refreshing the Heroes Return scheme for the next generation of veterans so that those who served in the Falklands, the first Gulf war and Kosovo have the same opportunities that my father did when he returned to Burma?

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): Mr Speaker, I did not actually hear the question, but, unless my hon. Friend is able to repeat it, I would be delighted to meet her afterwards to discuss the matter further. All I heard was a reference to the Falkland Islands.

Mr Speaker: I am sorry, but there is probably a lesson there. It is quite a crowded House, so Members need to speak up a bit.

T5. [907829] Carolyn Harris (Swansea East) (Lab): The latest families continuous attitude survey found that just three in 10 families in service family accommodation are satisfied with the quality of the work and maintenance. Does the Minister now accept that his Department has completely failed properly to oversee the contract with CarillionAmey?

Mr Ellwood: I half agree with the hon. Lady. We do need to improve standards. It is so important that we think about our armed forces. We should not only equip them well and train them well, but make sure that we house them well, and that is something towards which I shall continue to work.

Mr John Whittingdale (Maldon) (Con): I thank my right hon. Friend for his visit to the frontline in Donbass recently. In the light of the illegal seizure of the Ukrainian vessels yesterday, will he look to see what further support we can give to Ukraine?

Gavin Williamson: The whole world is in shock about what has happened, and I very much hope that this is something that can be looked at by the United Nations in terms of what action can be taken against Russia for displaying such aggressive behaviour against its neighbour.

T6. [907830] Mr Stephen Hepburn (Jarrow) (Lab): Even at this late stage, will the Minister commit himself to withdrawing the lucrative international tender for the fleet solid support ships, which will not only cost the British taxpayer millions, but cost British jobs as well?

Stuart Andrew: The national shipbuilding strategy is there so that we do everything we can to make sure that we have an industry that is competitive not just in this country, but across the globe, and that is exactly what we are trying to do. By getting the fleet solid support ships through international competition, we can secure a good price for the British taxpayer, too.

Andrea Jenkyns (Morley and Outwood) (Con): The Poppy Appeal raised £49.2 million in 2017. Will the Minister take this opportunity to thank the hard-working poppy sellers up and down the country, including the incredible Gale Wood at the Morley branch in my constituency?

Gavin Williamson: We are all incredibly grateful to the many tens of thousands of volunteers up and down the country who give so much of their time for this great cause. The Royal British Legion has been doing it for generations now, and it will certainly always have our full support in what it does and the impact that it has on service personnel and veterans’ lives.

T7. [907831] Dan Carden (Liverpool, Walton) (Lab): Industrial action started today at the Cammell Laird shipyard in Birkenhead, where almost 300 skilled secure jobs are at risk despite the shipyard winning two large Ministry of Defence contracts worth £619 million. The GMB and Unite unions fear that this is about the casuallisation of the workforce. At this late stage, what action will Ministers now take to save these jobs and get workers back to work, which is where they want to be?

Stuart Andrew: Obviously, it is disappointing to see that there is industrial action, and we are also concerned about job losses. This is why we were pleased to announce that £619 million contract as part of a number of ongoing contracts that we have been giving to UK shipyards around the country.

Mark Pritchard (The Wrekin) (Con): The Secretary of State will be aware of the case of Gus Hales who has been on hunger strike outside Combat Stress in my constituency. What more can the Ministry of Defence do to work with Combat Stress to get Gus the help that he so badly needs?

Mr Ellwood: I have spoken to Gus Hales. I am very sorry about what has happened to him. He is also spoken to Combat Stress. We need to make sure that people such as Gus who have served this country are looked after. I will make sure that this is not repeated and, working with Combat Stress, make sure that his needs are looked after.

T8. [907832] Emma Hardy (Kingston upon Hull West and Hessle) (Lab): In a previous Defence questions, I spoke about the need for BAE’s Brough site to diversify its manufacturing in order to save jobs, and the Secretary of State told me that he had a meeting with
BAE. Will he please update me on that meeting, and agree to meet me and workers from BAE’s Brough site to talk about how they can secure jobs for the future?

Gavin Williamson: The Under-Secretary of State for Defence, my hon. Friend the Member for Pudsey (Stuart Andrew), has met workers there. We had a very productive meeting with BAE Systems and the Qataris regarding the roll-out of the Hawk orders. I will write to the hon. Lady to update her.

Peter Heaton-Jones (North Devon) (Con): My right hon. Friend will know that two years ago this month the MOD announced plans to close Royal Marines Barracks Chivenor. Will he come to the base with me to see for himself why it should remain open?

Gavin Williamson: My hon. Friend has been lobbying on behalf of RMB Chivenor over the last year. I will meet him to discuss this further, as he has been fighting a particularly strong campaign on the matter.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The Secretary of State said that he recently visited the Royal Navy’s flagship, HMS Albion. Why is it that the Ministry of Defence defined it as a warship in 2009, but it is no longer defined as a warship in the 2017 national shipbuilding strategy?

Stuart Andrew: Excuse me a moment; I will try to answer the hon. Gentleman’s question—[Interruption.]

Mr Speaker: It might not happen again, so I must advise the Minister that the Chief Whip is sitting underneath him and looking up at him.

Stuart Andrew: As I have said before, we now have a national shipbuilding strategy that is ensuring that our shipbuilding industry knows exactly what the MOD will be building over the next 30 years so that it can plan accordingly and be competitive in the world market. Surely, we should be welcoming that.

Dr Julian Lewis (New Forest East) (Con): May I give the Minister a second chance to answer the question that he could not hear earlier about veterans being given the opportunity to revisit the battlefields on which they have fought?

Mr Ellwood: It is important that we give veterans the opportunity to return to the battlefields. I think that my right hon. Friend is referring to a return to the Falklands. I will endeavour to see what can be done, and whether we can use the air bridge to allow veterans to return to that battle place.
Leaving the EU

3.32 pm

The Prime Minister (Mrs Theresa May): With permission, Mr Speaker, I would like to make a statement on the conclusion of our negotiations—[Interruption.]—

Mr Speaker: Order. Mr Shannon, sort out your seating arrangements—well done. A long afternoon lies ahead, so let us have a bit of quiet and respectful order for the Prime Minister.

The Prime Minister: With permission, Mr Speaker, I would like to make a statement on the conclusion of our negotiations to leave the European Union.

At yesterday’s special European Council in Brussels, I reached a deal with the leaders of the other 27 EU member states on a withdrawal agreement that will ensure our smooth and orderly departure on 29 March next year; and, tied to this agreement, a political declaration to guide our future relationship. Most importantly, the legal text of the withdrawal agreement has not been changed. That is what will be used to deliver a legal agreement on our future relationship after we have left. The linkage clause that will be used to deliver a legal agreement on our future relationship after we have left.

I know that some Members remain concerned that we could find ourselves stuck in this backstop, so let me address this directly. First, this is an insurance policy that no one wants to use. Both the UK and the EU are fully committed to having our future relationship in place by 1 January 2021, and the withdrawal agreement has a legal duty on both sides to use best endeavours to avoid the backstop ever coming into force. If, despite this, the future relationship is not ready by the end of 2020, we would not be forced to use the backstop. We would have a clear choice between the backstop or a short extension to the implementation period. If we did choose the backstop, the legal text is clear that it should be temporary and that the article 50 legal base cannot provide for a permanent relationship. And there is now more flexibility that it can be superseded either by the future relationship, or by alternative arrangements which include the potential for facilitative arrangements and technologies to avoid a hard border on the island of Ireland.

There is also a termination clause, which allows the backstop to be turned off when we have fulfilled our commitments on the Northern Ireland border. And there is a unilateral right to trigger a review through the Joint Committee and the ability to seek independent arbitration if the EU does not use good faith in this process. Furthermore, as a result of the changes we have negotiated, the legal text is now also clear that once the backstop has been superseded, it shall “cease to apply”. So if a future Parliament decided to then move from an initially deep trade relationship to a looser one, the backstop could not return.

I do not pretend that either we or the EU are entirely happy with these arrangements. And that is how it must be—were either party entirely happy, that party would have no incentive to move on to the future relationship. But there is no alternative deal that honours our commitments to Northern Ireland which does not involve this insurance policy. And the EU would not have agreed any future partnership without it. Put simply, there is no deal that comes without a backstop, and without a backstop there is no deal.

The withdrawal agreement is accompanied by a political declaration that sets out the scope and terms of an ambitious future relationship between the UK and the EU. It is a detailed set of instructions to negotiators that will be legal to deliver our future relationship after we have left. The linkage clause between the withdrawal agreement and the declaration requires both sides to use best endeavours to get this
legal text agreed and implemented by the end of 2020, and both sides are committed to making preparations for an immediate start to the formal negotiations after our withdrawal.

The declaration contains specific detail on our future economic relationship. That includes a new free trade area with no tariffs, fees, quantitative restrictions or rules of origin checks—an unprecedented economic relationship that no other major economy has. It includes liberalisation in trade in services well beyond World Trade Organisation commitments and building on recent EU free trade agreements. It includes new arrangements for our financial services sector, ensuring that market access cannot be withdrawn on a whim and providing stability and certainty for our world-leading industry. And it ensures that we will leave EU programmes that do not work in our interests. So we will be out of the common agricultural policy, which has failed our farmers, and out of the common fisheries policy, which has failed our coastal communities.

Instead, as the political declaration sets out, we will be “an independent coastal state” once again. We will take back full sovereign control over our waters, so we will be able to decide for ourselves who we allow to fish in our waters. The EU has maintained throughout this process that it wanted to link overall access to markets in our waters. The EU has maintained throughout that it wanted to link overall access to markets in our waters. It failed in the withdrawal agreement and it failed again in the political declaration. It is no surprise that some are already trying to lay down markers again for the future relationship, but they should be getting used to the answer by now: it is not going to happen.

Finally, the declaration is clear that whatever is agreed in the future partnership must recognise the development of an independent UK trade policy beyond this economic partnership. For the first time in 40 years, the UK will be able to strike new trade deals and open up new markets for our goods and services in the fastest growing economies around the world.

As I set out for the House last week, the future relationship also includes a comprehensive new security partnership, with close reciprocal law enforcement and judicial co-operation to keep all our people safe. At the outset we were told that, being outside of free movement and outside of the Schengen area, we would be treated like any other non-EU state on security. But this deal delivers the broadest security partnership in the EU’s history, including arrangements for effective data exchange on passenger name records, DNA, fingerprints and vehicle registration data, as well as extradition arrangements like those in the European arrest warrant. And it opens the way to sharing the types of information included in the European criminal records information system and Schengen information system II databases on wanted or missing persons and criminal records.

This has been a long and complex negotiation. It has required give and take on both sides, and that is the nature of a negotiation. But this deal honours the result of the referendum, while providing a close economic and security relationship with our nearest neighbours, and in so doing, offers a brighter future for the British people outside of the EU. And I can say to the House with absolute certainty that there is not a better deal available—[Interruption.] My fellow leaders were very clear on that yesterday.

Our duty as a Parliament over these coming weeks is to examine this deal in detail, to debate it respectfully, to listen to our constituents and to decide what is in our national interest. There is a choice which this House will have to make. We can buck this deal, deliver on the vote of the referendum and move on to building a brighter future of opportunity and prosperity for all our people, or the House can choose to reject this deal and go back to square one. No one knows what would happen if this deal does not pass. It would open the door to more division and more uncertainty, with all the risks that will entail.

I believe our national interest is clear. The British people want us to get on with a deal that honours the referendum and allows us to come together again as a country, whichever way we voted. This is that deal—a deal that delivers for the British people. I commend this statement to the House.

3.44 pm

Jeremy Corbyn (Islington North) (Lab): I thank the Prime Minister for the advance copy of her statement.

The Prime Minister may want to try to sell yesterday’s summit as a great success, but, to borrow a phrase, the reality is “nothing has changed”. She says that, if we reject this deal, it will take us back to square one. The truth is that, under this Government, we have never got beyond square one. The botched deal is a bad deal for this country; and all yesterday did was mark the end of this Government’s failed and miserable negotiations.

There can be no doubt that this deal would leave us with the worst of all worlds—no say over future rules and no certainty for the future. Even the Prime Minister’s own Cabinet cannot bring themselves to sell this deal. The Foreign Secretary said yesterday:

“This deal…mitigates most of the negative impacts”.

That is hardly a glowing endorsement. The silence from much of the rest of the Cabinet is telling. They know that these negotiations have failed and they know it will leave Britain worse off. In fact, the National Institute of Economic and Social Research confirmed that today, saying that the Prime Minister’s deal would mean our economy would be 3.9% smaller than it would otherwise be. This is more than our net contribution to the European Union, which is currently £8.9 billion a year—about £170 million per week. So why is the Prime Minister claiming that extra money to the NHS will be due to the Brexit dividend? Of course, we look forward to the official Treasury forecasts, and indeed the legal advice that this House voted to see nearly two weeks ago.

The Prime Minister’s claim that this deal takes back control over our borders, money and laws is, frankly, a fallacy. The reality is the opposite. She says that the political declaration should give us comfort that the Northern Ireland backstop will not be needed. But, in June 2020, this country will be faced with a stark choice: we can agree to extend the transition period, or accept the backstop. So can the Prime Minister confirm that, under her deal, if we are to avoid the backstop, we will have to accept whatever the European Union demands to extend the transition period—leaving a choice of paying more money without a say on the rules, or entering a backstop leading to a regulatory border down the Irish sea? So much for taking back control of our borders, money and laws.
It may not end there. The President of France, President Macron, has already made clear what his priorities will be in negotiating Britain a future deal. On Sunday he said:

“We will concentrate our efforts in order to obtain access to the British waters before the end of the transition period. And of course all of our fishermen will be protected.”

Is it not the case that, under the Prime Minister’s botched deal, we will have to agree to those demands on access to waters and quota shares if we want to finalise a future trade deal or extend the transition—breaking every promise the Prime Minister, the Environment Secretary and the Scotland Secretary have made to our fishing industry and our coastal communities?

There was another climbdown over Gibraltar at the weekend. Is it not the case that Spain now has a role over Gibraltar benefiting from any future relationship? That is still to be negotiated, not something the Prime Minister presented to the Commons last week.

In two weeks’ time, this House will begin voting on a legally binding withdrawal agreement and the vague wish list contained in the political declaration. The Prime Minister would be negotiating that future agreement from a position of profound weakness—threatened with paying more to extend the transition, with no say over our money, laws or borders, and at risk of the utterly unacceptable backstop, which was only made necessary by her own red lines, most of which have since been abandoned by her. Is it in the national interest for the Prime Minister to plough on when it is clear that this deal does not have the support of either side of this House or the country as a whole? Ploughing on is not stoic; it is an act of national self-harm. Instead of threatening this House with a no-deal scenario or a no-Brexit scenario, the Prime Minister now needs to finalise a future trade deal or extend the transition—breaking every promise the Prime Minister, the Environment Secretary and the Scotland Secretary have made to our fishing industry and our coastal communities.

Mr Speaker: Order. When the Prime Minister was addressing the House, I made it clear that she should be heard, and by and large she was. To those chuntering or yelling from a sedentary position, I say stop it—it is rude, foolish and doomed to fail.

Jeremy Corbyn: Thank you, Mr Speaker.

There is a sensible deal that could win the support of this House, based—[Interruption.] There is a sensible deal that could win the support of this House, based—[Interruption.]

This deal is not a plan for Britain’s future; so, for the good of the nation, the House has very little choice but to reject it.

Jeremy Corbyn: [Interruption.]

The Prime Minister: The right hon. Gentleman asked where the Brexit dividend was. We have been very clear that we will be able to use the money we are not sending to the EU to spend on our priorities, including the national health service. There was a time when he himself talked of spending the Brexit dividend on our public services. He talks about the backstop and about the implementation period being the alternative. Actually, no, we have written in the possibility of alternative arrangements. The key thing is to deliver on our commitment of no hard border between Northern Ireland and Ireland—a commitment that he appeared to dismiss in his response to my statement. We do not dismiss the people of Northern Ireland. We believe it is important to maintain that commitment.

The right hon. Gentleman said that our deal did not bring back control of our borders, but of course it does because it brings an end to free movement once and for all. I note that the Labour party has never been able to stand up and actually say it wants to bring an end to free movement once and for all, and that is because it is not responding to the real needs and concerns of the British people on these issues. The British people want control of our borders and an end to free movement, and this deal delivers it.

I was very interested to hear that it now appears to be Labour party policy to be in both the single market and the customs union. [Interruption.] I hear yeses from the Labour Front Bench. There was a time when the right hon. Gentleman talked about the importance of an independent trade policy and negotiating our own trade deals. As a full member of the customs union, in which he wants us to remain, we cannot do that, so again he has gone back on his words in relation to these issues.

The right hon. Gentleman talked about President Macron’s comments about access to waters. I recognise that this has raised a question about our being in the backstop. For the benefit of all those who are concerned, and all those who have commented on this, it is important to recall that if we were in the backstop, we would be outside the common fisheries policy and we would be deciding who had access to fish in our waters.

The right hon. Gentleman mentioned Gibraltar. I quoted the Chief Minister of Gibraltar, who made it very clear, as I did, that this Government stood by Gibraltar and resisted changes to the withdrawal agreement that the Spanish Government wished to make. We are clear that Gibraltar’s sovereignty will not change. It has not changed and will not change. We are proud that Gibraltar is British.

Finally, the right hon. Gentleman talked about dealing with issues with our economy in those parts of the country where we need to enhance and improve our economy. It is absolutely clear that the one thing that will never deliver for our economy is his policy on borrowing, taxing and spending. It is a balanced approach to the economy that delivers.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I recognise my right hon. Friend’s genuine endeavours in all these matters, but may I return her to the point about the backstop? Does she recognise the
genuine concern held in all parts of the House about what would happen if the UK were to be forced into the backstop? I listened very carefully to her statement, and she said that the UK does not want it and the EU does not want it; we heard the other day that Ireland said that, no matter what agreement was reached, it would never have any hard border. It makes one wonder why it is in the withdrawal agreement at all.

My question for my right hon. Friend is this: if the Government, going down the road to a negotiation, are heading toward that point when the backstop is invoked, does that not mean that Mr Macron is right and we will come under intolerable pressure to agree to almost anything to avoid our entry into what my right hon. Friend rightly says is something we never want to be in?

The Prime Minister: I recognise the depth of concern that there has been and that remains for some Members of this House about the issue of the backstop, but I disagree with my right hon. Friend about the position that would entail. As I indicated in my statement, largely thanks to my right hon. Friend and our right hon. Friend the Member for North Shropshire (Mr Paterson), we are in the position of having within the withdrawal agreement the recognition that there could be alternative arrangements to the backstop, or the extension of the implementation period, that would deliver for the border of Northern Ireland.

While I recognise the depth of concern that this is not a situation that the UK wants to be in, nor is it a situation that the European Union wants us to be in. That is because—strange though it may seem to some Members of this House—there are members of the European Union who actively think that the backstop would be a good place for the UK because of its access to the EU markets without having financial obligations and without free movement. That is why they do not want us to be in the backstop either. Neither of us wants to invoke it—the Taoiseach has been clear about that. We want to ensure that the future relationship replaces it and delivers our commitment to the people of Northern Ireland.

Ian Blackford (Ross, Skye and Lochaber) (SNP): The Prime Minister’s deal means that Scotland is to be taken out of the European Union against our will, and out of the single market—a market that is about eight times the size of the UK’s. Scotland voted to remain; our rights must be respected. Leaving will rip a way jobs, hit living standards and end freedom of movement. That is why they do not want us to be in the backstop either. Neither of us wants to invoke it—the Taoiseach has been clear about that. We want to ensure that the future relationship replaces it and delivers our commitment to the people of Northern Ireland.

Mr David Davis (Haltemprice and Howden) (Con): If the European Union really intends in good faith to rapidly negotiate a future trade agreement, why can we not make the second half of the £39 billion payment conditional on delivering it?

The Prime Minister: As my right hon. Friend is aware from the early negotiations that we held on this particular issue, the £39 billion has been determined in relation to
our legal obligations. I think it is important that as a country we stand up to our legal obligations. As my right hon. Friend will also know, there is a timetable for the payments spread over a period of time. A key element is ensuring that we are able to have that implementation period, which is so important for our businesses, so that they have only to make one set of changes and that there is a smooth and orderly withdrawal.

**Hilary Benn (Leeds Central) (Lab):** By refusing to make choices now about our future economic relationship with the European Union, what the Prime Minister has done is put off that moment to a time when the EU will have much greater leverage over this country, because any future trade agreement will require the unanimous approval of every European member state. How can the Prime Minister expect the House to vote to put the country in such a weak position? Is that not the biggest failure of the negotiation?

**The Prime Minister:** The right hon. Gentleman, I am sure, is very well aware of the position that the European Union is not able sign a trade agreement. We are looking for that free trade area being at the heart of our economic partnership for the future. The European Union is not able to sign that and develop the legal text for that until we are a third country and have withdrawn from the EU. Far from not setting out details of our future relationship, the political declaration does just that. It makes it very clear that this is the set of, if you like, instructions to the negotiators that the future relationship will put into place what is in the political declaration.

**Anna Soubry (Broxtowe) (Con):** As it currently stands, the majority of hon. and right hon. Members in this place will not vote in favour of the Prime Minister’s deal, despite her very best efforts, so she needs plan B. What is the Prime Minister’s plan B? Is it “Norway plus”—the single market, the customs union—for which some of us have been arguing for over two years?

**The Prime Minister:** I am tempted to say to my right hon. Friend that throughout the last 18 months of negotiations, at virtually every stage people have said to me that it was not going to be possible for me to negotiate a deal with the European Union. No sooner do I negotiate a deal with the European Union than people are saying, “Well, what’s the next thing you’re going to do with the European Union?” In all seriousness, I say to my right hon. Friend that we will have a number of days of debate in this Chamber prior to the meaningful vote on this deal. I believe it is important that when people look at this deal and come to that vote, they consider the interests of this country and the interests of their constituents, and they consider the importance of delivering on Brexit.

**Sir Vince Cable (Twickenham) (LD):** Now that the Prime Minister has decided to launch a public debate on her plans, should she not move beyond her comfort zone of debating with Brexit fellow travellers like the leader of the Tory party and engage with the much larger cross-party coalition in favour of a people’s vote, with the option of remaining in the European Union? Will she not debate with the real opposition?

**The Prime Minister:** The right hon. Gentleman and his hon. Friends have asked me this question about the people’s vote—the second referendum—on a number of occasions, and my answer to that has not changed. I believe that it is important, having given the choice to the British people as to whether we stay in the European Union, that we now deliver on the choice that the British people made. That is a difference of opinion between myself and him—I recognise that—but I think that the majority of the British public want us to get on with doing what they asked us to do.

**Sir William Cash (Stone) (Con):** Does the Prime Minister appreciate that the withdrawal agreement is incompatible with the European Union (Withdrawal) Act 2018, which expressly repeals the whole of the European Communities Act 1972? In this event, we would truly regain our laws. Does the Prime Minister accept that this agreement, being only a treaty, cannot override the statutory provisions of the 2018 Act, and is therefore unlawful? Did she seek the legal opinion of the Attorney General on this question in good time before the agreement was signed by her yesterday, as required under the ministerial code?

**The Prime Minister:** I make two points to my hon. Friend. First, one of the things that the European Union (Withdrawal) Act does is bring European Union law into UK law, such that there is that smooth and orderly transition when we leave the European Union, and, of course, the withdrawal agreement will be implemented in our legislation through the withdrawal agreement Act.

**Nigel Dodds (Belfast North) (DUP):** The Prime Minister says in her statement that “the legal text is now also clear that once the backstop has been superseded, it shall ‘cease to apply’”. We need accuracy—actually, on page 309, article 2, on the Northern Ireland protocol, it says the backstop can be superseded “in whole or in part” and “shall cease to apply...in whole or in part.”

We need accuracy, because it is the legal text that matters, and that is what will bind the country. As the Chancellor has rightly said that the backstop is bad for the Union and bad for the economy—that is what he has said—can she tell us what bits are so bad for the Union?

**The Prime Minister:** The parts of the backstop that are bad for the European Union—

**Nigel Dodds:** For the United Kingdom.

**The Prime Minister:** Oh, sorry—for the United Kingdom. What we want to be able to do in the future is to have our independent trade policy. One of the issues in relation to the backstop is whether or not we would be able to do that—that is one of the issues that we would not want to see us continuing to be in the backstop for.

**Boris Johnson (Uxbridge and South Ruislip) (Con):** I congratulate my right hon. Friend on beginning her campaign to sell this deal to the country with a frank admission, just now, that it is unsatisfactory. I think
that that is a bit of an understatement. It is hard to see how the deal can provide certainty for business or for anyone else, given that half the Cabinet are going around reassuring business that the UK will effectively remain in a customs union and in a single market, while the Prime Minister herself is continuing to say that we are going to take back control of our laws, vary our tariffs, and do—as she said just now—real free trade deals. They cannot both be right. Which is it?

**The Prime Minister:** Let me first point out to my right hon. Friend that what I said in my statement was that neither we nor the EU were entirely happy with the backstop arrangements that were put in place. That is accurate. I have referenced one reason why we are not happy with it, and I have referenced in earlier answers why the EU is not happy with it.

I recognise the concern that has been expressed about our ability to negotiate free trade deals with other countries on the basis of the arrangement that we are putting in place with the EU for our future relationship. We will be able to negotiate those free trade deals, but I think every Member of the House should be aware that when they are being considered, there will be issues that the House will want to consider, which will be nothing to do with whether or not we have a particular relationship with the European Union. The House will want to consider environmental standards. Those are the issues that Members will wish to consider when it looks at the free trade deals, but it is absolutely clear that we will be able to negotiate those deals with the relationship that is being proposed.

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): This is not a deal for the future; it is just a stopgap. We do not know whether it means Chequers, or Canada, or Norway, or an endless backstop, or something worse, or a massive security downgrade. We have no idea where this is heading, and other countries are already saying that this gives them more leverage because it reduces our negotiating power. How can the Prime Minister say that this is in the future interests of the country? She used to say that nothing was agreed until everything was agreed. When did she change her mind?

**The Prime Minister:** First, let me point out to the right hon. Lady that what the political declaration does is set out very clearly the basis for the future relationship that we will be having with the European Union in respect of security and economic arrangements. It also sets out clearly that “it is the clear intent of both Parties to develop in good faith agreements giving effect to this relationship”

This is not about some other sort of relationship; it is about what is in this document.

The right hon. Lady asked whether it was Canada or Norway. I said right at the beginning of this process that we should get away from thinking of “on the shelf” models that already exist. What is being proposed here, and what is acknowledged from the European Union, is a relationship of unprecedented depth which has not been offered to any other major advanced economy. It is a relationship which shows that we are not just another third country.

**John Redwood** (Wokingham) (Con): Will the Prime Minister agree that this agreement could cost a lot more than £39 billion—as there are no cash limits or figures in it, and plenty of liabilities—especially if the EU goes as slowly on the next phase of the negotiations as it did on the last lot, and drags us into permanent transition at enormous cost?

**The Prime Minister:** As my right hon. Friend will know, there are clauses in the withdrawal agreement in relation to the endeavours that both sides will make to reach agreement by the end of the implementation period in December 2020 which make it clear that action can be taken if either side drags its feet in the way that he is talking about.

**Mr Chris Leslie** (Nottingham East) (Lab/Co-op): The Prime Minister is not suggesting that, compared with staying in the European Union, her Brexit proposals would mean that our country would be economically better off, is she?

**The Prime Minister:** The question of our future—[Interruption.] No. I believe that we can be economically better off outside the European Union. The problem is that there are those who think the only factor that determines how well off we are in the future is whether or not we are a member of the European Union. I differ. Our future is in our hands. It will be our decisions, in many areas, that will determine our prosperity for the future.

**Sir Michael Fallon** (Sevenoaks) (Con): Nobody can now doubt that the Prime Minister has tried her very best. Are we not none the less being asked to take a huge gamble here: paying, leaving, surrendering our vote and our veto without any firm commitment to frictionless trade or the absolute right to dismantle external tariffs? Is it really wise to trust the future of our economy to a pledge simply to use best endeavours?

**The Prime Minister:** The position on the nature of the political declaration is exactly what I set out in response to the question from the Chairman of the Exiting the European Union Committee, which is that it is not possible for us to sign that legal treaty on a free trade agreement with the European Union until we are outside the European Union.

**Kate Hoey** (Vauxhall) (Lab): The Prime Minister was told very clearly last November that any backstop would not be tenable and would not be acceptable, yet she has carried on with allowing it to be put in. But not only is it in; it is in in a way that we cannot get out of unless the EU allows us to do so. Does the Prime Minister agree that that is not really giving back sovereignty to our country—to the people who voted to leave?

**The Prime Minister:** As I said in my statement, the position is very simple: there is no withdrawal agreement without a backstop. Without a backstop there is no deal. That is because of the commitment that both sides wanted to give to the people of Northern Ireland to ensure there was no hard border between Northern Ireland and Ireland. That is very simple: any other arrangement—any other agreement on trade with the European Union—would have a backstop.
Justine Greening (Putney) (Con): The Brexit debate has seen false promises made to the public from all sides and from all parties. Democracy only works when it can be based on a debate of truth, honesty and fact. How can the Prime Minister reassure the House that this debate we are about to have now on her deal is based on facts and evidence, not more false promises to the British people, which when broken subsequently will damage trust in our democracy even more?

The Prime Minister: I say to my right hon. Friend that we are committed as a Government to publishing analysis of this deal; we will publish analysis of the various aspects of this deal. As my right hon. Friend is aware, there are others out there looking at the economic aspects as well. I am tempted to say this, however; she asked whether this can be based on facts; I think it would be interesting for this House to debate the extent to which economic forecasts can be described as facts.

Mr Ben Bradshaw (Exeter) (Lab): May I thank the Prime Minister for the efforts she made personally on behalf of my constituent Matthew Hedges, who has been released this morning? That is a bit of good news amidst all this Brexit mess. But on Brexit, if she is so confident that the public support this deal, why does she not ask them?

The Prime Minister: May I first thank the right hon. Gentleman for his remarks about his constituent? I have responded before to questions about the second referendum issue, and it is very simple: I think that it is absolutely right that this House and politicians should see it as a duty to implement the vote the British people gave to leave the European Union.

Mr Steve Baker (Wycombe) (Con): When my right hon. Friend describes the functioning of her free trade area, it sounds awfully like a comprehensive customs union. Can she be absolutely clear where we are headed? Will we never reach the point where there are customs declarations?

The Prime Minister: My hon. Friend is well aware of the position the Government take, which is that we will be working for frictionless trade. As he will see, the references in the political declaration are to an ambitious agreement in relation to the restriction of checks, but my hon. Friend will also be aware that obviously there is a balance between the rights in terms of frictionless access and the obligations. That is clearly set out in the document. As my hon. Friend knows, the Government set out their position in the summer in the White Paper.

Caroline Lucas (Brighton, Pavilion) (Green): The Prime Minister says that a majority of people want her to get on with Brexit, but actually that is not true. It might be an inconvenient fact, but the truth is that the majority want a people’s vote. So when she is giving her tour around the country—[ Interruption. ]

Mr Speaker: Order. The hon. Lady is entitled to ask her question without being consistently shouted at. I thought we were talking about respect in the Chamber. Try remembering that—[ Interruption. ] Well, maybe the person who says, “Were we?” does not care about that, but most of us do, and I want to hear the hon. Lady and the response to the hon. Lady.

Caroline Lucas: Thank you, Mr Speaker. We have heard that the Prime Minister is planning to tour the country to sell her bungled deal to the public. Why does she not try listening to the public? Rather than having a stage-managed opportunity just to hear a whole load of waffle, why cannot people have a chance to have their say in a people’s vote? If she really trusted them, she would do this.

The Prime Minister: I answered the question on the people’s vote earlier. I do listen to the public, and when I go knocking on doors and listening to what people say, the overwhelming view is that we should get on with it and do what the vote said.

Mr Owen Paterson (North Shropshire) (Con): The Conservative manifesto at the last election promised to deliver the leave vote by leaving the single market, leaving the customs union and leaving the remit of the European Court of Justice. Many of us, endorsed by experienced lawyers, believe that this document does not deliver that. It is also a clear breach of the principle of consent of the Belfast agreement, and it is going to cost us £39 billion. Given that a majority across the House, including myself, intend to vote against this deal, will the Prime Minister acknowledge at this late stage that the obstacle to President Tusk’s offer of a free trade deal was the problem of the Northern Irish border? In her political declaration, she has acknowledged that current techniques and processes could sort that. Will she therefore please at this late stage look to a comprehensive free trade deal, with our solution to the Northern Ireland border?

The Prime Minister: At the heart of this political declaration and of our future economic partnership is a comprehensive free trade deal. It is just a better comprehensive free trade deal than Canada.

Ms Angela Eagle (Wallasey) (Lab): In the Prime Minister’s lexicon, is “smooth and orderly” the new “strong and stable”?

The Prime Minister: A smooth and orderly exit is what business wants and I am sure what citizens up and down this country want.

Mr Mark Francois (Rayleigh and Wickford) (Con): Prime Minister, there is one thing on which we can all agree. It is that when we come to vote on this in two weeks’ time, it will be about the most important thing that we in this House will ever vote on in our entire lives. The Sun and The Daily Telegraph have described the deal this morning as a “surrender”, and I am afraid it is. As soon as the ink is dry, the Spanish will be after Gibraltar and the French will be after our fish—[ Interruption. ]

Mr Speaker: Order. Let me say to Members around the right hon. Gentleman, including some who fondly imagine they are going to be called to ask a question: do not sit there heckling your colleague. He has a right to be heard. If you do not like it, listen with courtesy and in silence and, if it is that bad for you, you are welcome to leave the Chamber. The right hon. Gentleman will be heard. Amen. End of subject.

Mr Francois: Thank you, Mr Speaker. The Prime Minister and the whole House know the mathematics. This will never get through. Even if it did—which it will
not—the Democratic Unionist party Members on whom we rely for a majority have said that they would then review the confidence and supply agreement. So it is as dead as a dodo. Prime Minister, I plead with you: the House of Commons has never, ever surrendered to anybody, and it will not start now.

**The Prime Minister:** I should like to reassure my right hon. Friend. As I referenced in my statement on Gibraltar, the United Kingdom has not surrendered in those matters to which he has referred. He talked about the Spanish position on Gibraltar, but the Spanish have always held that position on Gibraltar. He talked about the French wanting our fish, but as he will know, French fishermen have long been wanting to fish in our waters, and they have done so. What they wanted to do in the political declaration was to link that access to our waters with our access to markets in relation to trade. We resisted that, we continue to resist it, and we resisted it in the document itself. We will continue to resist it, and we will continue to stand by the people of Gibraltar.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): The Prime Minister deserves some sympathy for having to front up for that divided mob behind her. Earlier she said, “It isn’t going to happen,” but the fact of the matter is that she is not going to get a majority in this House for the deal, because it would leave the British people worse off. Concern is growing and many of my constituents want us to assert parliamentary supremacy, which she mentioned in her Lancaster House speech. Let us get back into the European Union, where people will get a better deal at the end of the day.

**The Prime Minister:** The hon. Gentleman talks about parliamentary supremacy. Of course, it was this Parliament that decided by an overwhelming majority to ask the British people for their view on our membership of the European Union. They voted and gave that view, and I believe that it is our duty to deliver on it.

**Mr Jacob Rees-Mogg** (North East Somerset) (Con): The Prime Minister has been very clear this afternoon that she does not think that the public, having voted to leave the European Union, should have a say on what happens next on the deal that she has done. Can she therefore confirm that if this House votes down her deal, she will not seek to force a second vote on it, or will we find out, as the DUP has, that it is one rule for her and no say for anyone else?

**The Prime Minister:** I will be working to persuade Members of this House that the deal on the table delivers on the vote of the British people, and that it does so while protecting jobs, protecting our security and protecting our United Kingdom.

**Sir Bernard Jenkin** (Harwich and North Essex) (Con): My right hon. Friend will recall how much we both hoped that I would be able to support whatever she brought back from her negotiations, so can I say how sad I am that I cannot possibly support this deal, which pays £38 billion simply to kick the can down the road? How can we possibly agree to such an arrangement? At the moment, we have the unilateral right to leave the European Union, but we will have no such unilateral right to leave these new arrangements, which will be subject to an EU veto. That is giving up control, not taking back control.

**The Prime Minister:** In my statement, I set out various elements relating to the backstop, to which my hon. Friend refers. Looking at the future treaty arrangements, which will cover security partnership and economic partnership, I would expect that, as in any trade agreement, there will of course be appropriate arrangements for review and for the question of the potential termination of those relationships.
I repeat the point I have made previously in relation to the £39 billion: I think it would be wrong for this House to believe that, on leaving, the United Kingdom will have no legal obligations to pay money to the European Union. There are legal obligations to pay money to the European Union, and I think it is important that we abide by those obligations.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): The National Institute of Economic and Social Research published a report today showing that this deal would make the UK £100 billion a year worse off by 2030, which equates to £1,000 per person per year. If the Prime Minister really believes that the majority of the UK wants that outcome, can I politely suggest that she is not knocking on enough doors? Will she commit to giving the nation a final say on the exact terms of her deal?

The Prime Minister: I have responded on a number of occasions this afternoon, and indeed on other occasions when I have given statements to the House, on the question of a second referendum.

Dr Julian Lewis (New Forest East) (Con): On Saturday morning, my right hon. Friend the Chancellor of the Exchequer told the “Today” programme that, as the UK is split down the middle on the European Union:

“Anything which looks like one half of the country ‘winning’ and the other half ‘losing’ is disastrous”.

In that case, does the Prime Minister agree with him? If so, what was the point of holding the referendum in the first place?

The Prime Minister: The point is a very simple one. Now is the time for this country to come back together again. It is time for us to recognise that, in delivering on leaving the European Union, as people voted for in 2016, we are meeting the instruction we were given by the people in that referendum and we are doing it in this deal in a way that protects jobs, livelihoods, our security and our United Kingdom. Now is the time for the country to come back together, to get behind this deal and to ensure that we can build a better future for all.

Dr Philippa Whitford (Central Ayrshire) (SNP): Last week, the Prime Minister managed to insult and upset over 3 million European citizens who live and work in this country. Over 150,000 of them, like my German husband who has been a GP here for over 30 years, felt absolutely thrown away after spending decades here looking after us when we are ill. Will the Prime Minister perhaps take this opportunity to apologise for her thoughtless and insulting comments?

The Prime Minister: I should not have used that language in that speech. The point I was making is a simple one. Right from the very beginning, I have said that citizens’ rights is a key issue that I want to see addressed in the withdrawal agreement. That was one of the things we put at the top as one of our priorities, and we have delivered it for people in the withdrawal agreement.

Most people here in the United Kingdom want to see people coming to this country with skills and wanting to make a contribution—the hon. Lady’s husband has made a contribution as a GP here in this country—and they want people to be judged, as we will, on their skills and on their contribution to our economy, rather than simply on where they come from.

Nicky Morgan (Loughborough) (Con): Does my right hon. Friend agree that it is the easiest thing in the world for people to criticise any deal that they have not spent time—[HON. MEMBERS: “Hear, hear.”] And it is the easiest thing in the world for people to remain in the entrenched positions they have been in for the past two years. But the braver thing, and the right thing for this country now, is for us to challenge ourselves on our views of Brexit, to step up to the plate as elected representatives, to give this deal the scrutiny it needs, to read carefully the economic forecasts the Government will publish and to realise that what will cost us far more than £39 billion is a no-deal Brexit, which needs to be avoided.

The Prime Minister: I say to my right hon. Friend—this was a point made very well by my right hon. Friend the Member for Rayleigh and Wickford (Mr Francois)—that this is a very important moment for this country. That is why when people come to debate this topic and to vote on it, I hope they will look, as she has said, at the analysis set before them and at the details of the deal, recall the need to deliver for the British people on the vote of Brexit and also recall the need for us to consider our constituents’ jobs and livelihoods for the future. Debates in this House are all about serious matters, but this is an historic moment for our country, and it is right that we approach it in the right way.

Frank Field (Birkenhead) (Ind): Does the Prime Minister accept that should we have to use the backstop, we can escape only if the whole of the rest of the EU gives us permission to do so and that they are in a position to demand any ransom for us to gain our exit?

The Prime Minister: It is possible to come out of the backstop if it is shown that it can be superseded by the future relationship or by alternative arrangements that can be put in place. The key is being able to show that we are delivering on the commitment for the people of Northern Ireland in relation to the border.

Priti Patel (Witham) (Con): The Prime Minister, in her statement, speaks of the European Court of Justice and how this deal “ends the jurisdiction” of the ECJ. So can my right hon. Friend give a precise date, or even a year, when the UK will no longer be bound by, be subject to or have imposed on it any judgments from the ECJ?

The Prime Minister: As my right hon. Friend will, I am sure, recall, one of the elements of the citizens’ rights section in the withdrawal agreement does have a period of time where it will be possible for the issues in relations to citizens’ rights to be considered by the European Court of Justice—after that point, there will be no jurisdiction of the ECJ in the United Kingdom. In all other matters, there will be no jurisdiction of the ECJ in the UK prior to that point. There is a limited range of issues that can be considered in relation to citizens’ rights during that draw-down period. It will be
the case that people will not be able to take cases to the ECJ in this country. It will be the case that it will be our courts that are determining and interpreting our laws.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I am genuinely sorry to say this to the Prime Minister, but there is a stark difference between stoic determination and sheer stubbornness and a failure to listen to this House or to the people. She has come here today with the same old script, telling us that we have to vote for this piece of paper that will make us poorer, weaker, less influential, less well-off and less secure, and she expects to get the consent of this House. She said as a result that she wants to appeal over our heads and go to the people. If she wants to go to the people, why is she afraid to put this question to a people’s vote?

The Prime Minister: I have answered the question of a people’s vote on a number of occasions. I say this to the hon. Gentleman as well: I believe in delivering on the vote of the British people that took place in 2016, for the reasons I have set out, but for those who consider that a second vote of some shape or form would do anything other than divide this country further or create more uncertainty, they only have to look at what happened during the initial referendum campaign. We asked people to choose; they chose; it is our duty to deliver.

Dame Caroline Spelman (Meriden) (Con): So many young people in my constituency have got work in the car industry, whose principal market is in Europe, but car manufacturers warn us that no deal could result in tariffs of £4.5 billion. So can my right hon. Friend confirm that her hard-won deal would provide much-needed certainty and continuity and, above all, safeguard jobs?

The Prime Minister: I recognise the importance of the automotive industry in my right hon. Friend’s constituency and many others around the country. Indeed, the political declaration on the tariff issue expressly provides for no tariffs.

Mr Ronnie Campbell (Blyth Valley) (Lab): Will the agreement that the Prime Minister has sought stop us joining a federal Europe, stop us joining the euro—never to join it—and stop the dictates and the stupid laws coming from Europe? The way I see it, we have got two feet in and one arm out.

The Prime Minister: I can give the hon. Gentleman comfort on all the points that he makes. The point is that we are coming out of the European Union, so if it chooses to push down to a more federal Europe, we will not be part of that; we are not a member of the euro and we are coming out of the European Union, so we will certainly not be in the euro; and we will be making our laws.

Sir Roger Gale (North Thanet) (Con): Will my right hon. Friend confirm that under her leadership this United Kingdom will never, ever become a vassal state? Will she also confirm that if naked self-interest on either side of the Chamber prevails over national interest, we could end up as an impoverished state?

The Prime Minister: I am happy to give my hon. Friend confirmation on the first point that he made. Of course, the proposals that we have put forward in relation to our future economic relationship ensure that Parliament will determine our laws. When it comes to this vote, everybody in this House should consider and put first the national interest, not their own interest or their party political interest.

Mr Alistair Carmichael (Orkney and Shetland) (LD): The official note of yesterday’s European Council meeting states that

“A fisheries agreement is a matter of priority, and should build on, inter alia, existing reciprocal access and quota shares.”

When one compares that with the Prime Minister’s statement today, one can understand why our fishermen are anxious. This situation arises only because the Prime Minister agreed to include fisheries in the transitional arrangements. With the benefit of hindsight, does she now agree that that was a mistake?

The Prime Minister: That is not the case. I think the right hon. Gentleman was quoting the minute of the Council meeting of the 27, which has in it a number of issues that actually show—[Interruption.] Yes, other member states do have concerns in relation to a number of these issues. They have those concerns partly because they were not able to arrive at the position that they would have preferred to have in the political declaration that we have agreed with the European Union, because we have resolutely stood up for our fishermen.

Mr Dominic Grieve (Beaconsfield) (Con): I know that my right hon. Friend has been working hard in what she sees as the best interests of the country, and it has been a pretty thankless task, but I must say to her that I did worry when I read at the weekend her letter to the British people, which sets out a picture of the future that seems to me to be at clear variance with any rational analysis of the text in relation to the political declaration. How can we seriously say to people that the Northern Ireland backstop will not act as a fetter on our future freedom of action? How can we say that we will lose the jurisdiction of the ECJ, when it is in fact going to continue to play a major part in our lives for the foreseeable future? If we are to have an informed debate, would it not be better that we are completely transparent about the sorts of problems that we will have to face when, if the Prime Minister succeeds with her motion in two weeks’ time, we get through the stage of leaving the EU on 29 March? The truth of the matter is that our problems have hardly begun.

The Prime Minister: Of course it is the case—I explained the reason why earlier—that we have to negotiate the full legal text of the future economic partnership and the future security partnership, and I know that my right hon. and learned Friend will understand the reason for that. What is important is that we have in the political declaration the set of instructions to the negotiators in respect of the basis on which the future relationship will be set, which is one that in trade terms is ambitious and unlike any other given to any other third country and that in security terms is also unlike any other given to any third country, because it is more ambitious, closer and a better partnership than any other country has.

Mike Gapes (Ilford South) (Lab/Co-op): Will the Prime Minister confirm that, if we go back to square one, we will retain a seat, a voice and a vote; we will stay in the single market and the customs union; and we will be in a better place than we would be in the backstop?
The Prime Minister: No, we are leaving the European Union, and we are leaving on 29 March 2019.

Mrs Anne Main (St Albans) (Con): In her answer to the right hon. Member for Birkenhead (Frank Field), my right hon. Friend said that we can leave the backstop if it can be “shown” that we have met the criteria. Who will be the arbiter of when it is “shown”, and to whom are we accountable to make sure that they will allow us to leave?

The Prime Minister: The initial discussion, of course, takes place between the two parties of the United Kingdom and the European Union, but there is a process that goes through the Joint Committee of the two bodies, and there is also an arbitration panel and an arbitration process that can be brought into operation in relation to that. Throughout the withdrawal agreement, in various elements, there are references to good faith on both sides. If it is the case that the commitment to Northern Ireland has been met, it will be clear that we can come out of the backstop—were it the backstop that had been put in place in the first place.

Rachel Reeves (Leeds West) (Lab): One of the problems that the Prime Minister has had to grapple with over the past two years is that those who campaigned to leave the European Union had no blueprint for what they would do if they won the referendum, but the Government are now repeating that mistake. Will the Prime Minister tell the House what plans are being put in place if, as it now seems likely, the Government lose the vote on 12 December? What preparations are being put in place for either extending article 50 or for a people’s vote to put this question to the country?

The Prime Minister: I have answered those questions on article 50 and the people’s vote in response to other questions. My focus is on this deal and the fact that this is the deal that is good for the United Kingdom, because it delivers on the Brexit vote in a way that protects jobs.

Sir Edward Leigh (Gainsborough) (Con): If it is indeed true that both the Government and the European Union believe that this backstop will be temporary, will the Prime Minister take an opportunity before the meaningful vote, to make it absolutely clear that if, by the end of the due date of this Parliament, we are still held in this backstop and still held in customs arrangements against our will, she will abrogate those parts of the treaty and restore our national sovereignty?

The Prime Minister: My hon. Friend, I know, has raised with me before the question about the extent to which we are able to pull out of these treaty arrangements, and he and I are corresponding on that particular matter. May I say to him that not only is it the clear intent of both parties, using their best endeavours in good faith in these documents, to ensure that we are able to have the future relationship in place by the end of December 2020 and thereafter, but that should it be the case that an alternative arrangement has to be in place for Northern Ireland, it should be for only a temporary period, whether backstop or other arrangement, because it is not a given that that would be the backstop—

[Interruption.] There are a lot of voices saying no, but it is not a given that that would be the backstop. It is my firm intention to ensure that, at the end of this Parliament, we are all able to look the British people clearly in the eye and say, “We have delivered on Brexit; we have delivered on what you wanted to ensure which was an end to free movement, an end to the jurisdiction of the European court and an end to sending vast sums of money to Europe every year.”

Caroline Flint (Don Valley) (Lab): The Prime Minister has made it very clear that, at all costs, she wants to avoid a no-deal Brexit. My right hon. Friend the Leader of Her Majesty’s Opposition has also reassured Labour MPs that it is his priority to avoid a no-deal Brexit. Given that there are some 80 Conservative Back Benchers who will vote against any deal come what may, in the national interest will the Prime Minister sit down with my right hon. Friend and have a meaningful discussion about how we make sure that, when it comes to workers’ rights and health and safety, we do not fall behind and we secure a sustainable customs arrangement going forward?

The Prime Minister: What we have done in the proposals that we put forward in the White Paper and in the political declaration is to ensure that we do look for that free trade area and that appropriate customs arrangement that is going to deliver on jobs for people. I am interested that the right hon. Lady has indicated that the Leader of the Opposition is clear that we should leave the European Union with a deal, because previously he indicated that he would vote against any deal that the Government brought back.

Dame Cheryl Gillan (Chesham and Amersham) (Con): Nobody can fail to acknowledge the personal commitment, determination and best intentions of the Prime Minister. If this House does not pass the agreement, will she confirm that she has ruled out extending the negotiating period, or even purchasing an extension to that period?

The Prime Minister: The extension of the negotiating period would be an extension of article 50. I am clear that we will not extend article 50 and that we will leave the EU on 29 March next year.

Alison McGovern (Wirral South) (Lab): On Friday, my constituents got the desperate news of 241 job losses at Vauxhall Motors, Ellesmere Port, bringing the total to 900 job losses since the referendum. When the Government brought the Political Declaration back, the right hon. Lady has indicated that the Leader of Her Majesty’s Opposition has also reassured Labour MPs that it is his priority to avoid a no-deal Brexit. My right hon. Friend said that we can leave the backstop if it can be “shown” that we have met the criteria. Who will be the arbiter of when it is “shown”, and to whom are we accountable to make sure that they will allow us to leave?

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that explainer states that the political declaration and the withdrawal agreement
“have been settled together on the basis that nothing is agreed until everything is agreed.”
In the light of the Prime Minister’s responses to my right hon. Friends the Members for Sevenoaks (Sir Michael Fallon) and for Haltemprice and Howden (Mr Davis),
why—if that sentence is correct—does it not mean that
the £39 billion is contingent upon us getting agreement
on the future arrangements?

The Prime Minister: The withdrawal agreement and political declaration were indeed agreed together, but I repeat the point that I have made to others: it is the case that, in whatever circumstances we find ourselves in relation to leaving the European Union, there will be legal obligations of a financial nature that this country has to abide by.

Sammy Wilson (East Antrim) (DUP): The ink was hardly dry on this agreement before the French President was saying that he would be using its legally binding provisions to lever further concessions on fishing and other issues from the UK Government. Other states are no doubt thinking the same. Does the Prime Minister not recognise that, by signing this legally binding agreement, she is handing the EU a cudgel that it will use to mug us for the second time when it comes to the negotiations on the future trade arrangements?

The Prime Minister: No, I do not agree. I referenced earlier, and am happy to do so again, the remarks made by the French President in relation to the backstop and access to fishing. I will repeat the point, which is a very simple one: if the backstop is exercised, we will be outside the common fisheries policy, and it will be the United Kingdom that will determine which boats have access to UK waters.

Stephen Crabb (Preseli Pembrokeshire) (Con): Does the Prime Minister agree that as a party of government we have a responsibility not just to embody the divisions that exist in the country on this issue, but to try to bridge them and to fix them? To that end, is not it the case that her deal on the table has the overwhelming advantage of being the only one grounded in reality, giving us a chance to move forward so we do not keep going around the same mountain again and again?

The Prime Minister: First, my right hon. Friend is absolutely right about the responsibility that Members of this House have. Secondly, there are many circumstances, including in this, where people can wish that something was different from what it is. But the reality is, as the European Union has made clear, that there would be no agreement without a backstop, so without a backstop there would be no deal, and this is the deal. This, I believe, is a good deal for the UK and the right deal for the UK.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): The Prime Minister knows fine well that there is no dividend to be had from this withdrawal agreement. Under all economic analysis, we will be worse off for decades to come. So is it not time for her to level with the British public and accept that, because this decision needs to be taken as a political fix rather than an economically rational decision, it is one that should be put back to the people who started this process back in 2016, and we will continue to ask for that until it is so?

The Prime Minister: As the hon. Lady has heard, I am very clear that we should leave the European Union because the vote of the British people was to leave the EU. It may be the policy of others not to do so. I do not know if it is the hon. Lady’s. By the sound of it, she would rather we stayed in the European Union. I do not think that would be right. I think that would be betraying the trust that the people put in us.

Antoinette Sandbach (Eddisbury) (Con): May I urge the Prime Minister, when she hears cries of “No surrender” as some Members of this House want to drag us to a no-deal Brexit, to remember that that would be catastrophic for my constituents in Eddisbury? Will she remind those Members of the House that the Conservative manifesto made commitments to “a deep and special partnership” and “a comprehensive…customs agreement” with Europe? Does this deal deliver on that?

The Prime Minister: Yes, I am happy to tell my hon. Friend that this deal does indeed deliver on that manifesto commitment.

Wera Hobhouse (Bath) (LD): Under this agreement, from January 2021, for foreign nationals who fly from a third country into Dublin, then travel on to Belfast and thence to the rest of the UK, where will the immigration border be?

The Prime Minister: The common travel area will continue to exist. That is one of the things that has been agreed in the withdrawal agreement.

Sir Desmond Swayne (New Forest West) (Con): The power to extend the transition or the backstop indefinitely has got to be a trap, hasn’t it?

The Prime Minister: No, and precisely because of the reasons that I set out. Not only is it clear that that can only be temporary, but it is also the case that many in the European Union believe that the backstop is actually a place that gives the United Kingdom an advantage—an advantage that they would not wish to give us.

Pete Wishart (Perth and North Perthshire) (SNP): In some one hour and 30 minutes, I think I have heard three ringing endorsements of the Prime Minister’s Brexit deal. I do not know what that tells me, but I certainly would like to know what it tells her. Will she confirm today that, if she does lose this vote, she will do all her Back Benchers a favour and confirm that she will resign?

The Prime Minister: I am focusing on actually ensuring that Members of this House see the benefits that I believe are there from this deal. It is a good deal for the UK. Everybody will have a decision to take about their responsibility to deliver on Brexit for the British people when the vote comes.

Robert Halfon (Harlow) (Con): I do have respect for the Prime Minister, and I understand her position. However, over the past few years, we have had very difficult cutbacks to local services in constituencies such as mine—in Harlow—and across the country, and
every time we make the case that it is a difficult economy and we do not have enough money. How do I explain to my constituents that we have £39 billion to get out from the Treasury sofa to give to the European Union when it is questionable whether we owe all that money? Does she not agree that this is not just about the European Union—it is a matter of social justice?

The Prime Minister: I am sure that my right hon. Friend will recognise that the commitments that the Government have made to increase funding for our public services in a number of areas, which do affect his constituents, reflect the needs that he has consistently raised in this House and raised with Government. I return to the point that I made previously about the financial settlement with the European Union—there are legal obligations that this country has, and I believe that, as a country, we should be the sort of place that actually meets our legal obligations.

Stephen Kinnock (Aberavon) (Lab): The Prime Minister must surely now recognise that she is flogging a dead horse. May I urge her to join forces with senior members of her Cabinet and Members on both sides of the House to back a Norway plus-based Brexit? It is the only option that protects jobs, solves the Northern Ireland border issue and has a chance of reuniting our deeply divided country.

The Prime Minister: Actually, the option that the hon. Gentleman puts forward does not deliver on the vote of the British people, which is what I believe we should do.

David Tredinnick (Bosworth) (Con): That which is apparently dead in the water can move on a rising tide, but if the Prime Minister is going to carry the tide with her, she needs to allow herself time. Would it not be better to have a meaningful vote in January, after Christmas? Is not a truly meaningful vote one that includes the trade negotiations? That is what we should be voting on.

The Prime Minister: The timing of the meaningful vote has to reflect not only the need for a sufficient number of days of debate here in the House, but the need subsequently to get the withdrawal agreement Bill through the House before 29 March. I think my hon. Friend virtually gave the Leader of the House a heart attack when he suggested delaying the meaningful vote until January.

Ian Paisley (North Antrim) (DUP): If the backstop applies to Northern Ireland, and the rest of the United Kingdom is not operating under the backstop in that scenario, is it not the case that the citizens of Gibraltar will have more rights than the citizens of Northern Ireland, a part of the United Kingdom of Great Britain and Northern Ireland?

The Prime Minister: No. Certainly the Commission’s original proposal would have split the customs territory of the United Kingdom, and Northern Ireland would have been treated entirely differently from the rest of the United Kingdom. We resisted that, which is why we have the UK-wide customs territory—something the EU resisted for many months—in the backstop.

Sir David Evennett (Bexleyheath and Crayford) (Con): I pay tribute to my right hon. Friend for her dedication and hard work to endeavour to get a Brexit for Britain. However, does she appreciate and understand the real concern of my constituents that, if the backstop is implemented, Britain could remain subservient to the EU for a very long time, if not forever?

The Prime Minister: I thank my right hon. Friend for his comments in relation to what I have been doing. I recognise that that concern has been raised, but there are a number of reasons why I believe that it is met by the arrangements in the withdrawal agreement. It is very clear in the withdrawal agreement that, if the backstop is implemented—and it does not have to be implemented—it is only temporary. It is clear from the point of view of the European Union that the legal base of the withdrawal agreement is article 50, and that that cannot be used to set up a permanent arrangement. Finally, if the backstop is exercised, we have the ability to ensure that it is superseded by the future relationship, and the intent to develop that future relationship in time for the backstop not to be used is clear throughout the document.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Seventy-eight per cent. of our businesses that export do so to the EU and are able to trade goods and services seamlessly. For the £200 a person that we pay the EU, UK citizens have the right to live, work, study, travel and holiday free of fees and red tape. Some might even describe that as a good deal. But is it not true that the Prime Minister’s deal and political declaration do little more than take away the biscuit while leaving the nation the crumbs? Is it not her duty to at least tell the British people how much we are set to lose in every region and nation? Why will she not do that?

The Prime Minister: If the hon. Lady is asking me whether the Government are going to produce economic analysis, I can tell her that we are.

Crispin Blunt (Reigate) (Con): Businesses in my constituency point out firmly that their greatest enemy is uncertainty and they are now starting to tell me that certainty will be provided by World Trade Organisation terms because of the weakness of our negotiating position once we exit the period required for unanimity under the future arrangements. Government Departments have now had 20 months to prepare for a straight transfer to WTO terms. We would have some share of £39 billion to ensure that that transition was worked as effectively as possible by our European Union partners, whose policies would dictate how well that transition went. Surely those preparations now need to be surfaced and the European Union engaged in those discussions.

The Prime Minister: Businesses do look for certainty and certainty is given to businesses in the withdrawal agreement, because it is a withdrawal agreement that contains within it the implementation period that ensures that businesses have that certainty going beyond 29 March next year. As regards the World Trade Organisation arrangements for trading with the European Union, I am frequently encouraged by colleagues around the House to ensure that we can negotiate really good trade arrangements with countries around the rest of the
world that will not be based on WTO arrangements. I have to say that, if WTO arrangements are not good enough for those other deals around the world, I think it is entirely right that we seek to obtain, as we have done, commitments to better than WTO arrangements in our relationship with the European Union.

Hywel Williams (Arfon) (PC): If the Court of Justice rules tomorrow that article 50 is revocable, will the Prime Minister institute a British Brexit pause so that she can make a better fist of resolving the disagreements that are so obvious in the House today?

The Prime Minister: We will not be revoking article 50 or asking for the extension of article 50, and we will be leaving the EU on 29 March next year.

Andrew Bridgen (North West Leicestershire) (Con): Will my right hon. Friend confirm that, although the withdrawal agreement was voted on by the European Union under qualified majority rules, if it is passed by our Parliament, any future relationship and release from the backstop will be subject to 27 individual EU vetoes? That means France will demand our fish, Spain will demand Gibraltar and the Republic of Ireland may even demand Northern Ireland, and the only alternative to these humiliating betrayals and capitulations will be continued vassalage forever under the backstop.

The Prime Minister: Obviously, the arrangements in relation to the backstop and for the backstop ceasing to apply are those that are set out in the withdrawal agreement, and of course that does potentially end in the arbitration arrangement. Of course, in terms of the future relationship, the role that is had by the EU and by individual member states will depend on the precise legal form that that agreement or agreements take. But of course if there are areas that are of mixed competence then there would be a role for national Parliaments. If it is only one of EU competence, then of course it is under the sole competence of the EU.

Mrs Madeleine Moon (Bridgend) (Lab): Will the Prime Minister look at the analysis of information gathered by Best for Britain and Hope not Hate across Great Britain and Northern Ireland, which shows that 56% of people wish to remain in the European Union now, 66% want a final say in any deal and 422 constituencies now back remain? Will the Prime Minister listen to the will of the people, which has changed, and give them a people’s vote?

The Prime Minister: As I have said on many occasions, this Parliament gave the decision whether or not to leave the European Union to the British people and the British people voted.

Mrs Moon: They’ve changed their mind.

The Prime Minister: The hon. Lady is saying to me that the British people have changed their mind. If we went down the route that she suggests, and there was another vote and possibly a change of direction, then those who had voted to leave in the first place would rightly say, “Hang on a minute. We need to have another opportunity to vote on this.” This is not the way to conduct these arrangements. We decided to give the vote to the British people. We did that, they voted and we should deliver on that vote.

Sir Hugo Swire (East Devon) (Con): At Lancaster House in January 2017, my right hon. Friend said very clearly that we will “ensure that...no new barriers to living and doing business within our own Union are created”.

She went on to say that “we will...bring an end to the jurisdiction of the European Court of Justice in Britain... Because we will not have truly left the European Union if we are not in control of our own laws.”

We are now facing a situation where part of our country is likely to be treated differently—Northern Ireland. And is it not the case that, under article 175 and the dispute mechanism, if both sides cannot agree, the ECJ will be the final arbiter?

The Prime Minister: No. First, there are, of course, regulatory differences already between Northern Ireland and the rest of the United Kingdom. They are in limited areas, but they do exist. Secondly, the European Court of Justice would not be the final arbiter—that is not what is set out in the withdrawal agreement. The arbitration panel would make that decision, not the ECJ.

Owen Smith (Pontypridd) (Lab): The Prime Minister steadfastly and tellingly refuses to say that her Brexit deal will make Britain better off. If she cannot offer a guarantee to my constituents that they will not be worse off as a result of this deal, how can she ask me to vote for it?

The Prime Minister: As I expressly said earlier, I believe that we can be better off outside the EU. The mistake all too often made is made by those who say that the only issue about our future prosperity is whether we are a member of the EU. I disagree. The issue of our future prosperity is about us and decisions that Governments and this Parliament take about our economy, and it is about the talents of our people, and I am full of optimism about our prosperity outside the EU precisely because of the talents of our people.

Mr John Baron (Basildon and Billericay) (Con): The Prime Minister is aware that many of us have wished her well in these negotiations, but it appears that the withdrawal agreement sacrifices much and secures very little. Article 129(3) states that “the United Kingdom shall refrain, during the transition period, from any action...which is likely to be prejudicial to the Union's interest”.

Does this mean that the UK will be unable, for example, to cut taxes, regulate businesses such as Uber and disagree with EU foreign policy in the United Nations, and why is this clause not reciprocated by the EU?

The Prime Minister: No. There is a duty on both sides to act in good faith during the implementation or transition period. The UK today, as a member of the EU, does not take an EU position on the UN Security Council. We are an independent member of the Security Council—we sit there in our own right—and take positions as the United Kingdom. I am happy to write to my hon. Friend with further details—he raised several points—but I do not believe that the position he set out is the correct interpretation.
Phil Wilson (Sedgefield) (Lab): The Prime Minister has said previously that this country’s best days are ahead. Is that because of the deal she has negotiated with the EU, and does she think it better than the one we have now?

The Prime Minister: I have said that I believe that it is a good deal for the United Kingdom and that our best days lie ahead of us. I believe that because of the talents of our people, our innovation and decisions that this Government have taken to ensure a balanced approach to our economy.

Rachel Maclean (Redditch) (Con): I would like to put on the record my support for the Prime Minister, not because the deal is perfect—it involves compromises—but because it is a matter of judgment. When I go around my constituency, people tell me they do not want to leave without a deal. There is no precedent for leaving the EU. This is a completely bespoke process. Does she agree that she has succeeded in defying many critics on all sides, because she has come back with a deal and stood up to the EU in many different respects?

The Prime Minister: Indeed, the UK has stood up rigorously in a number of areas in relation to the deal. Of course, it is not 100% of what either side would want—that is what negotiations are about—but I believe it is a good deal for the United Kingdom and the right deal for the United Kingdom and that it delivers on the people’s vote and for their future.

Wes Streeting (Ilford North) (Lab): The Prime Minister has frequently said during the negotiations that nothing will be agreed until everything is agreed, but is it not clear from the political declaration that, even in the unlikely event that the deal is agreed in its entirety, on really big issues about our future economic and security cooperation with the EU, absolutely nothing will have been agreed?

The Prime Minister: No, the political declaration is a clear set of instructions to the negotiators on the legal text. I have also on a number of occasions made clear the position on the European Union not being able to sign a legal treaty relating to these trade matters with a country until that country is a third country.

Mr Marcus Fysh (Yeovil) (Con): Some 123,000 defence industry jobs nationwide and our security and that of our allies depend on our defence industry being competitive and flexible, with Government involvement, yet the permanent backstop in the withdrawal agreement that would apply should the EU not choose arbitration would oblige our defence industry to comply with EU state aid law, from which EU defence firms are exempt. Why would my right hon. Friend give the EU this—yet another hostage to negotiate with—and have us beg to keep our sovereign ability in defence?

The Prime Minister: First, this is not a permanent backstop. Secondly, I do not share my hon. Friend’s view about the defence industry. The issue of state aid is simple: in any trade agreement, we have to negotiate on elements relating to competitiveness matters, such as state aid. In the White Paper in the summer, we put forward a set of proposals that went further than some arrangements that would be in other trade agreements, but it is not the case that state aid will never be included in trade arrangements. State aid is included in trade arrangements.

Kate Green (Stretford and Urmston) (Lab): I was agnostic about a people’s vote, but now that we can see that the very best deal that the Prime Minister can negotiate will leave us worse off, will give us less say and is, rightly, likely to be rejected by this House as not in the best interests of our constituents, should she not in honour now go back to the people?

The Prime Minister: I refer the hon. Lady to the answer I have given earlier on that question.

Mr Alister Jack (Dumfries and Galloway) (Con): The Prime Minister said in her statement that this House can choose to reject this deal or go back to square one. Will she spell out to the House exactly what square one means?

The Prime Minister: What I meant was that we will go back to a period of significant uncertainty and division. It is important that we recognise that we have a duty to deliver on the Brexit vote, having a care for our constituents’ jobs and livelihoods and their future, and this deal delivers on both of those.

Diana Johnson (Kingston upon Hull North) (Lab): Why is the £20 billion for the NHS that has already been announced now being spun as an additional £394 million a week Brexit dividend for the NHS, when we all know that the savings from membership of the EU will be outweighed by the additional costs that we will have to pay?

The Prime Minister: We will be putting extra investment of £394 million a week into our national health service. The funding from that will come from a number of sources, but we will be able to use the Brexit dividend on priorities such as the NHS and other public services.

Mr John Whittingdale (Maldon) (Con): My right hon. Friend said that one of the benefits of leaving the EU is the ability to sign trade agreements with third countries, but what realistic prospect is there for that while we remain within the customs union and even after that, when we have pledged to maintain “deep regulatory and customs cooperation” covering goods—probably the very goods that people want to sell to us?

The Prime Minister: We will be able to sign free trade arrangements with the rest of the world, and we already have significant interest from various parts of the world. I take my right hon. Friend’s point about our proposal on frictionless trade with a commitment—subject to a parliamentary lock—in relation to the common rulebook on goods and agricultural products. Of course, many of those rules are international standards; they are not just EU-related standards, but standards that our manufacturers would abide by in any case. That is a key issue. We want to have good trade relations and agreements not only with countries in the rest of the world, but with the EU.
Paul Farrelly (Newcastle-under-Lyme) (Lab): Since the 2016 referendum, many young people have come of age and by the end of 2020 many more will have done so. The Prime Minister, however, has ruled out a second referendum under any circumstances at any time and the next general election will only be due in 2022. What is she afraid of in not allowing those millions of young people a direct say in arrangements with Europe that will affect their future?

The Prime Minister: It is a question of delivering on the vote that took place in 2016. With due respect to the hon. Gentleman, at any point in time somebody can argue that another cohort of young people have come to voting age. At any point in time, if his argument followed, it could be possible to say there needs to be another vote. No. We had the vote in 2016. People voted and we should deliver on it.

Rebecca Pow (Taunton Deane) (Con): When I was on the railway platform this morning in Taunton, I met the leader of a very important business in my constituency, related to the car industry, which employs hundreds of people and trades across the EU. Do you know what he said to me, Mr Speaker? He said, “Please don’t jeopardise our business, our jobs and the economy.” Does my right hon. Friend agree that we cannot play games with business? We must have a deal that enables business to thrive and enables us to leave the EU, which is what people wanted? Surely, this deal addresses both.

The Prime Minister: Yes. I thank my hon. Friend for bringing the views of business in Taunton to the House. She is absolutely right. We listen to business. That is exactly why the free trade area with good customs arrangements lies at the heart of our future economic partnership. This deal delivers Brexit, but it does it in a way that enables business to thrive and jobs to be protected.

Dr Rupa Huq (Ealing Central and Acton) (Lab): The Prime Minister is fond of telling us what the British people think. She trumpets the end of freedom of movement as a plus of what is now a face-saving exercise, but for businesses that are losing their EU workforces, for EU nationals—there are 13,000 in my seat—and for young people who want to study and live abroad, that, as well as her crass comments about jumping the queue, are a tragedy. Is it not time that she sought a fresh assessment of the will of the people and gave all electors in this 65 million nation—not just 650 MPs—a say? What if the will of the people in June 2016 is no longer the will of the people?

The Prime Minister: I refer the hon. Lady to the answer I gave earlier.

Mark Pritchard (The Wrekin) (Con): Despite the Prime Minister’s honourable and good intentions, is it not an indisputable fact, irrespective of whether colleagues voted remain or leave, that the political declaration is not legally binding and the withdrawal agreement is legally binding?

The Prime Minister: Yes. My hon. Friend is absolutely right. The withdrawal agreement is legally binding. The political declaration is not a legal text, because the European Union cannot sign a legal text in relation to trade matters with a country that is a member of the European Union. It can only do that when we are outside the European Union.

Marsha De Cordova (Battersea) (Lab): It is increasingly clear that the Prime Minister’s deal does not have the support of the House. It is a bad deal: it is bad for my constituents and it is bad for the country. So I ask the Prime Minister, and she has not answered this question yet, what is her plan B when this deal inevitably falls?

The Prime Minister: I refer the hon. Lady to the answer I gave earlier.

Dr Andrew Murrison (South West Wiltshire) (Con): May I warmly congratulate my right hon. Friend on introducing alternative arrangements to the backstop within the lexicography of our Brexit arrangements? That is no mean achievement and may just about get it across the line for a number of us. Will she say what will be done to identify those who are going to work up those alternative arrangements, what budget has been set for that work and when those matters will be trialled and piloted?

The Prime Minister: I am not able to give my hon. Friend immediate answers to all those questions, and particularly the questions around trialling and piloting. There are proposals that have been put forward to us. We will—first of all here in the UK—be looking at those proposals and the extent to which they deliver on what is necessary, and we will be speaking and have spoken with the European Commission about the possibility of being able, at an early stage, to discuss with it those alternative proposals.

John Woodcock (Barrow and Furness) (Ind): The Prime Minister and at least one of her Cabinet Ministers have said that if the House rejects her deal, there is a chance of no Brexit at all. I wonder whether my right hon. Friend could spell out with greater clarity how this fear might be realised.

The Prime Minister: The Gentleman will have heard a number of individuals around the House, including some of his colleagues on the Labour Benches, clearly expressing the view that they believe that remaining in the European Union is preferable to leaving it. I believe that it is important for us to deliver on the vote that the people took and to deliver Brexit.

Mr Gary Streeter (South West Devon) (Con): I congratulate my right hon. Friend on living in the real world and on bringing back a deal that delivers on the 2016 vote without wrecking our economy. Is it not the case that nobody has put forward a better deal in nearly two hours of debate, and does she share my thoughts that it is ironic that those who might be scuppering Brexit are the ones who wanted it in the first place?

The Prime Minister: It is absolutely the case that we have not seen an alternative proposal put forward that meets the needs of the British people in terms of the Brexit vote and does so in a way that protects jobs, our security and our United Kingdom. As I have said
previously, when it comes to the vote, we will all need to consider our duty to deliver on the vote of the British people and deliver Brexit.

Jim Shannon (Strangford) (DUP): To both the hon. Member for Vauxhall (Kate Hoey) and me, among many other colleagues, the Prime Minister has stressed repeatedly—this is a quote from Hansard:

“I am clear that we will become an independent coastal state and that we will be able to take back that control. We will be able to make those decisions and negotiate on our own behalf on those issues, rather than it being done by the European Union.”—[Official Report, 22 October 2018; Vol. 648, c. 72.]

There is no capability to carry out this function in the draft withdrawal agreement. Indeed, French and Spanish fishermen are already boasting of their continued ability to fish as they currently do in our waters. Can the Prime Minister explain exactly how our fishing sector will enjoy the benefits of an independent coastal state with control through this so-called deal, or is this just another, “Well, it’s the best they will offer us, so we will have to take it and sell off the fishing industry”—as you have Northern Ireland—and for good measure throw in a £39 billion repayment to the EU as well”?

The Prime Minister: In a number of elements of the political declaration, it is clear that we will be an independent coastal state. What being an independent coastal state means is that we will be able to determine access to our waters, but of course, our fishermen will want to be looking not just at the access that others have to our waters, but at their access to other waters. So there will be a negotiation with the European Union in relation to access to waters, but the UK will be negotiating on behalf of the UK in that determination. I apologise, because I forget which particular piece of text it is in, but there is a clear commitment that that should be undertaken such that—because this commitment has been made—we will be an independent coastal state in December 2020. Although the implementation period will not have finished, we will be able to negotiate for 2021, because that is when that negotiation will take place as an independent coastal state.

Alec Shelbrooke (Elmet and Rothwell) (Con): Since the summer, I have knocked on the front doors of over 7,000 of my constituents in Elmet and Rothwell, and I have had hundreds of supermarket surgeries and spoken to hundreds of people. I can say, especially in relation to the comments from the hon. Member for Perth and North Perthshire (Pete Wishart), that not only do most of my constituents say, “Get behind the Prime Minister and her deal,” but so too do my executive council and my officers, and so do I. Will my right hon. Friend today put to rest one of the new paranoias doing the rounds and confirm that this deal does not sign us up to permanent structured co-operation, or PESCO—the European army—nor do we have any intention of signing up to PESCO or the European army?

The Prime Minister: I thank my hon. Friend for his comments, and I can give him that reassurance. The development of PESCO does have the potential to improve Europe’s defence capabilities in a way that should be coherent with NATO, but this does not require us to participate or sign us up to participating in the PESCO framework. What it does say is that we may participate in PESCO projects as a third country, but that, of course, would be a decision for us to take—and it is a decision for us to take—whether we wish to apply to do that—and we would not be part of that PESCO framework. As I said in response to my hon. Friend the Member for Sleaford and North Hykeham (Dr Johnson) in the statement last week, we are certainly not signing up to a European army, and we would not sign up to a European army.

David Hanson (Delyn) (Lab): Can the Prime Minister confirm that we will still be a member of Europol and Eurojust, or will we merely be shadowing and co-operating with them? Will she also tell me what the status of the European Court of Justice and the European arrest warrant will be when we have left the European Union under her terms?

The Prime Minister: The right hon. Gentleman will know that the political declaration states that we “will…work together to identify the terms for the United Kingdom’s cooperation via Europol and Eurojust.” We have always said that we recognise, for example, that payment may be needed for us to act as a member of, or have some participation in, Europol and Eurojust, but the important point is that the concept of our being part of that, despite being a third country, is in there.

I believe it is important that we have had this exchange before in the House, and I believe it is important that we have within this the terms for ensuring that we have surrender arrangements like the European arrest warrant. Of course, the issue of the determination of courts in relation to the surrender matters is one that we will be considering, but we are clear that jurisdiction in these matters is for the UK courts.

Mr Jonathan Djanogly ( Huntingdon) (Con): I congratulate the Prime Minister on securing what I believe is a fair and reasonable deal. There will come a time—some time before July next year, and possibly well before then—when she will have to take a view on whether we head towards a possible backstop or increase the implementation period. I should be interested to hear what considerations she thinks might arise as to which route she takes at that time.

The Prime Minister: My hon. Friend is absolutely right. July 2020 is set in the withdrawal agreement as the date by which a decision will be taken, and there will be a number of issues to be taken into account at that stage. The first will be the key question of whether the future relationship would not be in place by the end of December 2020, and whether the extended period would therefore be necessary for either the backstop or the implementation period, or alternative arrangements. A balanced judgment would be made. In the implementation period, there would be an expectation of a financial obligation; there would not be a financial obligation were we in the backstop. We would not have free movement were we in the backstop; free movement would almost certainly be required to continue in the event of an extended implementation period. Those are the sorts of issues that would need to be balanced at that time.

Anna McMorrin (Cardiff North) (Lab): This deal leaves us poorer, and it leaves us negotiating Brexit indefinitely, as is made clear in the final paragraph of the political declaration. Hard-working families and
workers are bearing the brunt of this uncertainty. That is not what anyone voted for. Is it not time for the Prime Minister, instead of buying off her own side with knighthoods, to ask the people what they want, and give them the chance to have a final say?

The Prime Minister: I refer the hon. Lady to the answer that I gave earlier.

Robert Neill (Bromley and Chislehurst) (Con): I refer the House to my declarations in the Register of Members’ Financial Interests.

I spent much of the weekend talking to businesses in my constituency. They urged me to support the Prime Minister’s deal, as indeed I shall. However, I broke off to listen to what was happening about Gibraltar, because I—along with many other Members on both sides of the House and on both sides of the Brexit debate—have sought earnestly to secure the good interests of its people. I appreciate what the Prime Minister said about the way in which the Gibraltar Government and Chief Minister have negotiated and assisted in this matter.

The Chief Minister has thanked the Prime Minister personally for “her stalwart and unflinching defence of Gibraltar” and its interests. Those are his words. He has also said:

“The Withdrawal Agreement she has achieved today protects all of those interests and is the best way for the United Kingdom and Gibraltar to leave behind us 46 years of membership of the European Union in a managed and orderly fashion.”

Does the Prime Minister agree that those words should weigh very heavily indeed with any Member who is committed to the good interests of Gibraltar and the whole British family?

The Prime Minister: I thank my hon. Friend for reminding the House of the Chief Minister’s comments in relation to the withdrawal agreement. We were very clear that the withdrawal agreement would cover Gibraltar; and, as I said earlier, we have been working with the Chief Minister of Gibraltar. I commend him and his team for the work they have put in, and I think this is an important factor that Members should take into account when considering their position on this deal.

Andy Slaughter (Hammersmith) (Lab): I realise that it is asking a lot for the Prime Minister to look as far ahead as January in all this chaos, but if, as seems likely, she has to put her deal to a second vote and loses that, what happens then? Will she have to step down? Will she seek a general election? Or is that the time, finally, to give the people a choice between her deal and staying in the EU, to see which they prefer?

The Prime Minister: I am looking ahead to 11 December, when this House will be faced with the decision as to whether or not it wishes to deliver on the vote of the British people with a deal that not only delivers that vote, but protects their jobs.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): I have listened very carefully to the people of Sleaford and North Hykeham and to the questions asked by Members in this House, and the backstop, in particular its indefinite nature, is clearly a major concern. I welcome the answer my right hon. Friend gave to my hon. Friend the Member for South West Wiltshire (Dr Murrison) earlier, saying that alternative arrangements for a backstop are being considered. Can my right hon. Friend tell me how quickly these proposals are being worked up and what commitment and legal text we will have on them by the time of the meaningful vote on 11 December?

The Prime Minister: I cannot promise that all the work will have been done by the time of the meaningful vote; I have to be honest with my hon. Friend on that, because considerable work does need to go into these arrangements. But it is significant that we got the alternative arrangements into these documents such that it would be possible to exercise them, rather than requiring the backstop to be put into place. I recognise the concern that my hon. Friend and other Members have about the nature of the backstop. There are a number of reasons throughout the withdrawal agreement why the backstop would only be temporary, and all sides agree that it would only be temporary if it were to be exercised, but my hon. Friend is absolutely right that it is important that we work on those alternative arrangements.

Kevin Brennan (Cardiff West) (Lab): My father, who grew up on a farm in the west of Ireland, used to say to me, “You should never buy a pig in a poke.” I have to confess that, growing up in south Wales, I had absolutely no clue what he meant by that, until I read the political declaration of this deal. Is not one of the reasons why it is so unpopular with so many different people right across this House that it represents nothing more or less than a proverbial political pig in a poke?

The Prime Minister: No, it represents a good deal for the people of this country. Focusing on a future relationship that delivers a good, comprehensive trade agreement with the European Union together with a security partnership, both of which are unprecedented in their breadth and depth, I believe is good for the people of the UK.

Mr Shailesh Vara (North West Cambridgeshire) (Con): In my right hon. Friend’s response to my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith), and indeed to other Members, she said that there are alternatives to the backstop. For the sake of clarity, if there were to be an extension to the implementation period and we had not yet reached an agreement with the EU when the extended period expired, would the backstop then kick in, or would it have fallen away?

The Prime Minister: I referenced the situation in which the backstop would cease to apply in my statement, and it was further referenced by the right hon. Member for Belfast North (Nigel Dodds), the leader of the Democratic Unionist party. The alternative arrangements being considered could be in place to provide for the border in Northern Ireland instead of using the backstop or the extension of the implementation period, and crucially to provide for an alternative for coming out of the backstop were the future relationship not in place.

Matt Western (Warwick and Leamington) (Lab): Is it not the simple truth that, by detailing her red lines so early, the Prime Minister negotiated us into a position
that was somewhere between a rock and a hard place? It now seems that she will concede on the rock this weekend, and that we will be left in a hard place. Should the meaningful vote fall, what is the Prime Minister’s own backstop?

**The Prime Minister:** First, I have been asked that question, and given an answer to it, on a number of occasions. Secondly, I should like to be clear about some of the issues that I set out from the beginning. I said that we would leave the customs union; we are leaving the customs union. I said that we would leave the single market; we are leaving the single market. I said that we would leave the common agricultural policy; we are leaving the CAP. I said that we would bring an end to free movement; we are bringing an end to free movement. I said that we would cease the jurisdiction of the European Court of Justice in the UK, and we are doing that as well. We are delivering. I believe, on the vote of the British people, but doing it in a way that protects their jobs.

**Mr Nigel Evans (Ribble Valley) (Con):** During the people’s vote of 2016, every constituency in Lancashire—Labour and Conservative—voted to leave the European Union, and I am delighted to hear that the Prime Minister has reaffirmed that that is what she intends to deliver. Can she understand, however, why so many people have reservations about this deal? The backstop is one area of concern. Can she understand why it is awkward for some people to understand that we are leaving the European Union on 29 March next year but that we need to seek permission from the European Union and some independent adjudicator before we can be truly independent of the EU?

**The Prime Minister:** I do indeed recall the people’s vote of 2016. I also recognise the concern that my hon. Friend has expressed about the backstop. It is very simple: until the EU agrees the deal, there was no deal to bring back to this Parliament.

**Victoria Prentis (Banbury) (Con):** We have heard a lot this afternoon about another vote on this issue. Can the Prime Minister confirm that she both read and remembers the brochure that was sent to all households before the 2016 referendum, which stated in bold that this was a “once in a generation” opportunity, and that the Government would enact “what you decide”?

**The Prime Minister:** I thank my hon. Friend for bringing that document to the House’s attention. It is absolutely right that when people come to look at this deal, they will remember that commitment that once people had voted, the Government would enact that vote. That is what the Government are doing.

**Ian Murray (Edinburgh South) (Lab):** The Prime Minister has been unequivocal in denying the people a say on her deal, but time and again in this House she has refused to concede that her deal makes this country poorer, compared with being a member of the European Union. If she is consistent in making her constituents and those of everyone in this House poorer, should they not be asked if no Brexit is as good as a bad Brexit?

**The Prime Minister:** Let me make it very clear to the hon. Gentleman that nobody is talking about making people poorer. What we are talking about is protecting people’s jobs and livelihoods and delivering a deal that delivers on the vote of the British people. That is what this deal does.

**Nick Herbert (Arundel and South Downs) (Con):** Is it not the case that legally the backstop can only be temporary, because it is a pathway to a future trade deal, and that therefore descriptions of being trapped in the backstop forever, or of becoming a vassal state or even, absurdly, a colony, are overblown and wrong? Should not hon. Members look at the deal, which I commend the Prime Minister for having negotiated, in the round, because it will enable us to deliver on the promise we made to the British people to implement their decision in the referendum?

**The Prime Minister:** I absolutely agree with my right hon. Friend; it is important that this deal does deliver on the decision of the British people. We committed to deliver on that decision. There are various references in the withdrawal agreement that make it clear that the backstop, were it to be invoked, would only be temporary, not least the fact that the withdrawal agreement is on the legal basis of article 50, which cannot be used to establish a permanent relationship.

**Patrick Grady (Glasgow North) (SNP):** I was disappointed to see on Twitter the Government’s timetabling for the meaningful vote, having not first had the courtesy sight of it through the usual channels. My wee sister is due to give birth to her first child on 25 May. What is the Prime Minister’s message to that child? Will they be a European citizen, and can she honestly say that their life chances and opportunities will be better under this deal than they would be if we remained in the European Union, which is what 78% of my constituents voted for?
The Prime Minister: May I wish the hon. Gentleman’s sister well for the birth of her child? My message is simply the one that I gave earlier: I believe that there is a truly bright future for this country outside the European Union. I believe that the child will grow up with real opportunities open to them that they would not have had previously. But it is up to all of us to work to ensure that we enhance our prosperity and enhance the jobs available for people in this country so that we do have that bright future.

Kevin Hollinrake (Thirsk and Malton) (Con): Does the Prime Minister agree that although the backstop is uncomfortable for the United Kingdom, it is also uncomfortable for the European Union? It allows free and unfettered trade between Northern Ireland and the rest of the UK and the European Union, thereby creating a competitive advantage, which the EU is always keen to avoid. It is therefore in everyone’s interests to bring the backstop to a conclusion as quickly as possible.

The Prime Minister: My hon. Friend is absolutely right; the European Union does consider the backstop to be a potential area of competitive advantage for the United Kingdom, which is why it is in the interests of both sides, were it to be invoked, to bring it to an end as quickly as possible.

Martin Whitfield (East Lothian) (Lab): I thank the Prime Minister for her statement. She told the House that the withdrawal agreement “protects the rights of EU citizens living in the UK, and UK citizens living in the EU, so they can carry on living their lives as before.” Does that mean that UK citizens in receipt of state pensions in the EU will have those uprated annually, as state pension holders in this country will, and will that continue after the transition period?

The Prime Minister: If the hon. Gentleman looks at the political declaration, he will see that it contains a reference to the need still to negotiate some of the arrangements in relation to certain benefits, such as pensions, under the future trading relationship.

Jeremy Lefroy (Stafford) (Con): May I thank my right hon. Friend for all her work and for her statement? At least 80% of the UK’s economy is services, and we know that the European Union has still not completed the single market in services after 25 years. In her statement she spoke about liberalising the trade in services well beyond WTO commitments and building on recent EU free trade agreements. In relation to services, how much difference does she think there will be between what we have at the moment and what we will be able to negotiate under the political declaration?

The Prime Minister: The key element of the political declaration is that, first, it gives us greater freedom to negotiate on services, because this is an area, as my hon. Friend says, where the single market has not been developed by the European Union. Secondly, it is important—again, this was hard fought for—to get a recognition that, in relation to services, the future relationship could go beyond those that existed in other free trade agreements, because this is an area that has not been well developed in other free trade agreements. It is to the UK’s advantage, of course, given the importance of services to our economy, to develop it in this relationship with the European Union, and of course with other countries around the world.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The man who wrote article 50, Lord Kerr, has said today that the characterisation of a choice between the Prime Minister’s deal and defaulting to a no-deal situation—or going back to square one—is a false choice. Who is correct, the man who wrote article 50 or the Prime Minister?

The Prime Minister: Article 50 is the basis on which the negotiations have been held. It was the triggering of article 50 that led to the negotiations and led to the timetable for leaving on 29 March 2019. Article 50, in itself, does not determine the nature of any future relationship with the European Union, so it is not a question of what article 50 says; it is a question of negotiating a deal. We have negotiated a deal, and it is a good deal for the UK.

Richard Drax (South Dorset) (Con): My right hon. Friend talks about the national interest, and we all have the national interest at heart, even if we do not necessarily agree with her deal, which I personally think is a halfway house that leaves us neither in nor out of the EU, with no confirmed end date. If we cannot get the free trade deal that we should be able to get, surely the best way to unite the country is to leave the EU, negotiate a deal from outside and get our country back.

The Prime Minister: I believe that the deal we have negotiated does enable us to do the things I am sure my hon. Friend would wish us to do—crucially, to bring an end to the jurisdiction of the ECJ in the UK; crucially, to bring an end to free movement once and for all; and to come out of those aspects of the European Union that have not provided for certain sectors of our economy, such as the common agricultural policy and the common fisheries policy. We are negotiating a deal with a free trade area at its heart, and it goes beyond any other free trade agreement that the European Union has negotiated with other countries. It is an agreement of unprecedented ambition and depth that is being proposed for the United Kingdom.

Hannah Bardell (Livingston) (SNP): Even if the Prime Minister gets her blind Brexit deal through Parliament—and it is a big “if”—we all know it will be only the beginning of detailed negotiations on our relationship with the rest of the EU. Given her deeply offensive comments about EU nationals and the cack-handed way she has negotiated this deal, is she not a little worried that she might be at the back of the queue when it comes to negotiating her priorities?

The Prime Minister: No. The commitment from both sides on negotiating the future economic partnership and future security partnership is clear in these documents.

James Cartlidge (South Suffolk) (Con): When we talk about issues like Gibraltar and the future of fisheries, and so on, should we not remember that it is a very direct consequence of deciding to leave the European Union that we are renegotiating all aspects of our
relationship with the EU? Other member states will inevitably try to advance their national interests in those negotiations. In those circumstances, surely the best way forward is to hold our nerve, instead of taking as gospel the warnings of President Macron or the claims of the socialist Spanish Prime Minister, who has regional elections just around the corner.

The Prime Minister: My hon. Friend brings a degree of realism. Of course, as we go into these negotiations, others will have interests that they wish to put forward and press. The whole point of negotiation is that it is the process by which we come to a result. We have resisted many of the pressures that have been put forward by member states and the European Commission in these negotiations so far, and we will continue to resist on the key issues to which my hon. Friend has referred in relation to fisheries and Gibraltar.

Nic Dakin (Scunthorpe) (Lab): Many constituents have contacted me about this issue over the past week. Why does the Prime Minister think that the overwhelming majority, whether they voted to leave or remain, are urging me to vote against her deal?

The Prime Minister: I will continue to set out why I believe this is a good deal for the United Kingdom. I have set that out in answer to a number of questions in the Chamber this afternoon, and I will continue to do so.

David Duguid (Banff and Buchan) (Con): In response to my right hon. Friend’s statement, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) claimed—predictably, I must say—that Scottish fishermen are being sold out somehow.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): That is what the hon. Member for Aberdeen South (Ross Thomson) said.

David Duguid: Not in the document. According to the chief executive of the Scottish Fishermen’s Federation, this deal does enable the UK to become “an independent Coastal State with full, unfettered sovereignty over our waters and natural resources.” Whom should I tell my constituents to believe?

The Prime Minister: I suspect the Scottish Fishermen’s Federation knows the interests of Scottish fishermen, and how those interests should be provided for, rather better than the SNP does.

Alan Brown (Kilmarnock and Loudoun) (SNP): In this withdrawal agreement document, article 5 of the protocol on Ireland and Northern Ireland, on the common travel area, confirms that “associated rights and privileges can continue...in particular with respect to free movement for Union citizens and their family members, irrespective of their nationality, to, from and within Ireland.”

Surely, this either means that free movement will continue via Northern Ireland, or there will be a border in the Irish sea and people travelling from Northern Ireland will be subjected to extra checks.

The Prime Minister: The common travel area is an arrangement with Ireland that has been in place since the 1920s. It is absolutely right that we maintain that common travel area. That has been provided for in the withdrawal agreement, and it is the right thing to do.

James Morris (Halesowen and Rowley Regis) (Con): I commend the Prime Minister for her determination to reach agreement between the UK and the EU in this agreement. In particular, I welcome the statement in the political declaration in relation to foreign, security and defence policy that the United Kingdom and the EU will be champions for a rules-based international order. Does she agree that one of the biggest opportunities for the UK, as we leave the European Union, is precisely to become that champion for a rules-based international order, leveraging our hard power and soft power around the world?

The Prime Minister: My hon. Friend makes an important point. We will, indeed, be that champion for the rules-based international order. I have been making that point in a number of forums, and I expect to continue to do so when I attend the G20 later this week.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): Looking at the people behind the Prime Minister—there were many more of them earlier—it is obvious why she wants to hit the road and get out of this place. If she has not yet booked her ticket, I am happy to provide a one-way ticket. Can she confirm where and when she will meet the leaders of Britain’s trade unions, the representatives of the working people across the United Kingdom? They might be able to give her some tips on negotiation.

The Prime Minister: We have had discussions throughout the process with the trade unions, and my right hon. Friend the Secretary of State for Exiting the European Union met Frances O’Grady very recently.

Mark Pawsey (Rugby) (Con): Like my hon. Friend the Member for Elmet and Rothwell (Alec Shelbrooke), I have been knocking on doors in my constituency, and voters in Rugby and Bulkington have told me that one of the key reasons why they voted to leave was to give the UK the ability to control immigration. And businesses, especially those in manufacturing, have said that to keep jobs once we have left, it is vital to retain our just-in-time supply chains. Will the Prime Minister confirm that her agreement delivers on both those important issues?

The Prime Minister: I am happy to give my hon. Friend that confirmation. Businesses are very clear about the importance of maintaining those just-in-time supply chains. Similarly, of course, many constituents are concerned to ensure that we are able to make decisions for ourselves about who should be migrating to the United Kingdom without having that free movement. This deal delivers on both.

Drew Hendry: The Prime Minister repeats again and again that this is a good deal, but not only has she failed to convince this House but the National Institute of Economic and Social Research says that, under her plan, tax revenue would fall by 1.5% to 2% annually—that is £18 billion to £23 billion less for public services.
How does she account for the gap between her side of a bus-plus-plus spending promises for the NHS and this reality?

The Prime Minister: The spending promises on the NHS were clearly dealt with at the Budget in November.

Mr Marcus Jones (Nuneaton) (Con): When we consider this important issue, there will always be risks and there will always be trade-offs. When I assess the options in front of me, I consider that the Prime Minister’s deal—the one she has gone and fought hard for with the European Union—does honour the referendum: it makes sure that we get control of our borders, our money and our laws. It may not be an easy way to get there, but there was never going to be an easy way. I have been listening since the start of her statement, and I have heard many Opposition Members, and one or two Conservative Members, say that we should rerun the people’s vote of 2016. Can she reassure me that we will not countenance that because, in all this, it is a real risk to democracy?

The Prime Minister: First, may I apologise to the House because I think I just made a reference, as I did earlier, to the Budget being in November, and in fact it was in October? My hon. Friend is absolutely right; everybody needs to look at what is going to deliver on the vote of the British people. Saying to the British people, as some people who talk about a second referendum are, in a sense, doing, “You got the answer wrong. You’ve got to think again,” is not what we should be doing. Some 80% of the votes cast at the last general election were for parties that stood on manifesto commitments to deliver on the vote of the British people and deliver Brexit, and we should do just that.

Mike Hill (Hartlepool) (Lab): Given everything that has been said today, is the right hon. Lady, like her predecessor, still not for turning?

The Prime Minister: I believe this is a good deal, and I continue to believe it is a good deal.

Ross Thomson (Aberdeen South) (Con): In 2014, I campaigned head, heart, body and soul to keep this United Kingdom together. The Northern Irish backstop would leave Northern Ireland in a separate regulatory regime. Brussels would have more say over trade and rules on goods in Northern Ireland than the UK Parliament. Northern Ireland would be left under the jurisdiction of a foreign court, and that undermines the UK internal market. As a Scottish Unionist, I cannot stand by and watch a nation within our United Kingdom be left behind. Does my right hon. Friend not share my concern that this backstop could fuel the arguments of nationalists in this country and therefore threaten to break up our precious United Kingdom?

The Prime Minister: Like my hon. Friend, I am a passionate Unionist, and I believe in protecting the integrity of our United Kingdom. He has raised issues and I have spoken before in this Chamber about this question of the regulatory differences between Northern Ireland and Great Britain—some exist already—and, in a temporary backstop period, the common markets that could be given by the Government to ensure that there was not regulatory divergence and we did see that regulatory similarity with Great Britain and Northern Ireland. In fact, there are many who consider that the Northern Ireland backstop is an advantage to businesses in Northern Ireland, which is one of the reasons why the EU would not want us to be kept in the backstop. I can assure him that I am passionately in favour of the Union and will do everything I can to protect it.

Chris Stephens (Glasgow South West) (SNP): I am told that the repetition is not a vice, so may I ask the Prime Minister, in the last two weeks, what discussions have taken place on future arrangements in relation to the European health insurance card? On behalf of the 27 million UK citizens who have such a card, will she tell us what she expects the status of that card to be in January 2021?

The Prime Minister: The hon. Gentleman might care to look at the healthcare Bill that has had its Second Reading and is before this Parliament, which deals with these issues of healthcare.

Henry Smith (Crawley) (Con): I declare an interest, as a chair of the all-party group on animal welfare. Under the agreement reached between the British Government and the EU yesterday in Brussels, would it be possible for this country unilaterally to end live animal exports for slaughter?

The Prime Minister: The answer is that, obviously, there are aspects of the future relationship where the detailed determination will be coming in. At the heart of my hon. Friend’s question is the extent to which we wish to continue with the common rulebook on these sorts of matters. I would also remind him that I, and the Government, have been clear that we want to maintain high animal welfare standards in this country and, indeed, enhance them.

Martin Vickers (Cleethorpes) (Con): May I refer my right hon. Friend to paragraph 54 of the political declaration, which refers to social security arrangements, and ask what assessment the Government have made of the numbers involved? What estimate has been made of the cost to the British taxpayer?

The Prime Minister: This reference is exactly what I was thinking of when I responded to an earlier question in relation, for example, to pension payments that might take place once we have left the EU. As my hon. Friend will see from this, this matter is yet to be fully addressed within the future negotiations. Obviously, we will be looking at exactly the issues he has raised in doing so.

Mr Simon Clarke (Middlesbrough South and East Cleveland) (Con): I pay tribute to the Prime Minister’s resilience in standing at the Dispatch Box for so long this afternoon—it has been a tour de force. The bitter truth is that more than half of Conservative Back Benchers have indicated that we will not be able to support the withdrawal agreement. There is no shame in proposing her deal to the House next month, but there would be in failing to ensure that, in parallel, comprehensive preparations for an exit on WTO terms are being made. Every day matters, and I do not believe the intensity that there should be has yet been seen to get us ready for that scenario. Will she please accelerate those preparations so that we can be ready for any eventuality?
The Prime Minister: I hope I can give some reassurance to my hon. Friend: as I said in the House last week, it is clear that we are looking ahead to a vote in this House on these matters and so we continue with our no-deal preparations.

Mr Speaker: Prime Minister, colleagues, thank you.

Point of Order

6.6 pm

Pete Wishart (Perth and North Perthshire) (SNP): On a point of order, Mr Speaker. I would like your advice about the use of official parliamentary recordings of proceedings of this House. On Thursday, the hon. Member for Berwickshire, Roxburgh and Selkirk (John Lamont) posted a video clip of an exchange at business questions involving me and the Leader of the House. The clip was heavily edited to give a false and erroneous impression about the nature of the exchange and to draw a false conclusion—one that was not made when I made that contribution in the House. The terms and conditions on the use of recorded parliamentary material clearly say that no one can “alter” the video and audio of the recording “in any way”, and Members have to agree to that as part of the terms of use. This exchange was clearly altered, and it was altered to give a false impression of what transpired. More than 40,000 people have already seen this heavily edited clip. I have contacted the hon. Gentleman and have given him the opportunity to take it down voluntarily—an offer he has refused. How, therefore, can he be obliged and compelled to take this clip down?

Mr Speaker: I thank the hon. Gentleman for his courtesy in giving me notice of this point of order. It is important that colleagues take care not to give a misleading impression of proceedings by selective editing or unrepresentative quotation, either of video content or of Hansard. I do not, however, think the Chair can act or be expected to act as an immediate arbiter of cases brought to its attention—I refer to the Chair as a collective—to determine whether a misleading impression has or has not been created, deliberately or otherwise. I have always stressed that it is for Members to take responsibility for their actions and for what is done on their behalf. A great many right hon. and hon. Members make use of the video clipping tool to download extracts from our debates, and this helps bring our proceedings to life. I would encourage them to exercise care when they do so, although I accept—I do not know whether he does and I am not debating the point with him here and now—that some editing must be allowed if these extracts are to be of a manageable length for social media purposes. It is really not satisfactory—I am not criticising the hon. Gentleman; I understand his frustration—for these matters repeatedly to be brought to the attention of the Chair when the Chair has no power to act. Members must, if I may politely say so, treat others as they would wish themselves to be treated. We will leave it there for now.
**RAF Centenary**

6.9 pm

**The Secretary of State for Defence (Gavin Williamson):** I beg to move,

That this House has considered the 100 year anniversary of the Royal Air Force.

I am delighted that we have this opportunity to hold this debate. As a former Chief Whip, I would always say that all the legislation that the Government bring into the House is excellent legislation, but it is probably fair to say that some pieces of legislation are better than others, and I think we would all say that this House’s decision to create the Royal Air Force was one of its finest moments. It is almost 99 years to the day since Lord Trenchard issued his memorandum on the permanent armed forces today as it did 99 years ago. In his

Lord Trenchard’s memorandum, he talked about the need to “concentrate attention…laying the foundations of a highly-trained and efficient force”.

He went on to say that “to make an Air Force worthy of the name, we must create an Air Force spirit, or rather foster this spirit…by every means in our power.”

That Air Force spirit has been at the core throughout the first 100 years and remains at the core of the Royal Air Force at the start of its second century.

Under the banner of RAF100, the Royal Air Force has delivered a superb campaign to celebrate reaching this important anniversary. More than 165,000 people have visited six aircraft tour venues throughout England, Scotland, Wales and Northern Ireland, where they have had the chance to see numerous aircraft, including Spitfires, Harriers and Typhoons, and to meet the incredible people who flew them and who fly them. I very much hope that colleagues will join me in congratulating all those who have gone over and above to make this year such a success. I particularly thank Sir Stephen Hillier, the Chief of the Air Staff, who has done so much to make this such a memorable year for this service. Approximately £3 million has been raised as part of the 100th anniversary celebrations, and that money will now be invested in veterans and young people, as well as those who continue to serve in our Royal Air Force.

This is an appropriate moment to thank our RAF charities, including the RAF Association, the RAF Benevolent Fund, the RAF Charitable Trust and the RAF Museum, which work tirelessly to support RAF service personnel past and present.

**Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): I remind the House that my daughter is a serving officer in the Royal Air Force.

Further to what the Secretary of State said, the gist of which I fully support, throughout Britain, we still have a lot of redundant buildings of historical importance, particularly in respect of the second and the first world wars. Is the Secretary of State willing to go as far as to say that perhaps we can expand on what he said in respect of tourist attractions and ways of raising money from pleased tourists to help exactly the charities that he has mentioned?

**Gavin Williamson:** I would certainly be happy to look into that. We should be proud of the RAF’s heritage: not only its planes but the many buildings that were such a vital part of the infrastructure throughout the RAF’s development.

We have had a great opportunity to celebrate more and more of what the RAF has done over the past 100 years. It is incredible to think that, in the summer of 1917, as German Zeppelins silently bombarded London, our RAF did not even exist, yet a few months later the Air Force (Constitution) Act 1917 was passed. It has not looked back since its formation in April 1918. It was this House that created the Royal Air Force and it is fitting that it is this House that marks the Royal Air Force’s success.

**Dr Andrew Murrison** (South West Wiltshire) (Con): Does my right hon. Friend appreciate that the formation of the Royal Air Force was not the start of our airborne capability, and that the Royal Air Force of course had its provenance in the Royal Naval Air Service and the Royal Flying Corps, which were operational throughout the great war, to great effect?

**Gavin Williamson:** My hon. Friend is absolutely right to point out that the Royal Air Force was born out of many other organisations, which contributed so many of the men and so much of the ingenuity and ethos to the new organisation. It is from those different strands that the RAF has been built into the successful organisation that we see today.

**Ian Paisley** (North Antrim) (DUP): I thank the Secretary of State for giving way because he gives me an opportunity to pay tribute to my uncle, Harold Paisley, who joined the RAF in 1939, aged 16. When they found out that he had misrepresented his age, he was subsequently put out, and he ended up in the merchant navy instead.

Each year, the Air Waves show takes place in Portrush in East Londonderry. It is one of the biggest air shows in the United Kingdom and it is also the single largest recruitment air show for the RAF. Will the Secretary of State ensure that it continues to get support and endorsement from the RAF each year, so that we can continue to recruit Ulstermen and women into the RAF?

**Gavin Williamson:** Northern Ireland has always played an important role in all our three services, contributing far more men and women to our armed forces, both regulars and reserves, as a proportion of its population than any other part of the United Kingdom. The Royal Air Force is absolutely committed to the support of future air shows. We have a clear understanding of their value in telling the story of what the Royal Air Force does.

Let us take this opportunity to look back to a century ago, when the Royal Air Force was mapping the trenches and directing allied artillery to deliver victory in the great war. In our darkest hour in the second world war, the RAF was our last line of defence against the Luftwaffe. The battle of Britain cemented the RAF’s reputation, the reputation of the few: the dashing, daring, dogged determination of the Royal Air Force to protect and preserve our values and our nation. Our debt to the RAF continued throughout the chill of the cold war. Theirs were the Vulcan bombers that carried our ultimate
deterrent and theirs were the transport aircraft that delivered essential aid to the people of West Berlin 70 years ago in that famous airlift, which was the first major humanitarian exercise in modern history. In 1982, the Royal Air Force displayed incredible ingenuity to project strategic air power over thousands of miles to help and support the liberation of the Falkland Islands.

The RAF’s flagship event, which we all witnessed this year, brought this history powerfully home to us all. Like many, not just in the House but throughout the country, I watched the flypast in awe. We heard the unmistakeable sound of Spitfires, Hurricanes and Lancasters and the thunderous roar of the F-35s, Tornados and Typhoons, as we celebrated not just 100 years of the organisation’s existence, but 100 years of fighting spirit and of a nation coming together. We saw those crowds on the Mall—the men and women who had come to say their thank you to their Royal Air Force. We as a nation truly do owe the RAF a great debt.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The Secretary of State makes an important and powerful speech. The celebrations were also recognised in my constituency, which interestingly has played a key role in the RAF’s development, with Hanworth air park being a hub for the Air Ministry and home to the Whitehead Aircraft Company and more. Does he agree that this year we should celebrate that history and how many parts of the country played huge parts in it, and that we should recognise the work of, for example, Katy Cox, Richard Griffiths and others from the Friends of Hanworth Park House to bring that history to life?

Gavin Williamson: The hon. Lady makes a powerful point. The RAF is more than just the service itself. It is all those people who contribute to it so much. It is the businesses that help to create these amazing flying machines, which have been so instrumental in defending Britain repeatedly in the past and will be so again. I pay tribute to those who bring that to life. I take this opportunity to mention the Boulton Paul Aircraft Company, which was in my constituency and produced the Defiant aircraft during the second world war, and the many people of the Boulton Paul Aircraft Society who have kept alive not only the skills of aircraft production but the contribution by so many people across the west midlands and the country to the Royal Air Force.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The Secretary of State makes a point about the evolution of technology over the past century. It is amazing to think that it was only 10 years from the first flight of the Lancaster bomber to the first flight of the Vulcan. The level of evolution in that period is astonishing in today’s terms. In addition, the cost of these technologies has increased exponentially over the past century. His Department normally calculates defence inflation. How can he properly assess the true cost of these equipment programmes? Can he commit to reinstating defence inflation, so that we can properly plan to give our wonderful aircraft industry the certainty that it needs for the future?

Gavin Williamson: I will touch on the great future of our aircraft manufacturing industry later in my speech, but the hon. Gentleman is right to say that we have an amazing heritage. We have wonderful RAF museums in London and in Cosford, Shropshire, which are brilliant examples of the ingenuity we have in this country. That is certainly something that, as a Department, we are very much trying to encourage and to foster, working hand in glove with industry.

Mr Jim Cunningham (Coventry South) (Lab): Most people in this House will have a relative who served in the RAF one way or another over the past 100 years. I am sure that the Secretary of State will also recall that Coventry, for example, was a target during the war for German bombers because aircraft engines were manufactured in Coventry. I am sure that he knows that, as in the rest of the west midlands, there were targets in Birmingham—the supply chain was a target there. All in all, people have paid a heavy price and we owe a lot to the RAF, particularly during the war and, in relation to some of the wounds that those pilots sustained, in the development of plastic surgery.

Gavin Williamson: What we have always been so incredibly successful at is harnessing the whole of industry for our war effort, and there is no greater example of that than in the second world war. My grandfather was a machinist in Coventry during those bombing raids. Coventry was heavily targeted because of its manufacturing expertise and prowess, which were so vital to our war effort. That expertise is something that we very much continue going forward. Let me take the opportunity to comment—

Seema Malhotra: Will the right hon. Gentleman give way?

Gavin Williamson: If the hon. Lady will forgive me for making a little bit of—[Interruption] I am far too soft. I have melted. I give way to the hon. Lady.

Seema Malhotra: I thank the Secretary of State for giving way. RAF Cosford has been mentioned. I want to put on record my long-standing thanks to RAF Cosford because, when I did a master’s in information technology at Aston University, I did a project at RAF Cosford. Its contribution to bringing on new skills and talent and connecting others with our armed forces is a tribute to it. I put on record my thanks.

Gavin Williamson: I know that everyone at RAF Cosford will be greatly appreciative of those thanks. It is great to be able to name-check such a wonderful RAF base that is making such an impact in terms of training and skills for future generations in our Royal Air Force.

What truly makes the RAF so remarkable is that, since 1990, it has been continuously deployed on overseas operations. RAF100 has also been a chance to celebrate that continuing contribution to defence and the security that the RAF provides to our nation. As we speak in this Chamber, the RAF is involved in campaigns across 23 countries and five continents, working closely with our NATO allies. It has protected Baltic skies over the Black sea and it will soon be over Icelandic skies. It is all about protecting those nations and also Britain from all those who wish to do us harm—nations that are becoming more aggressive and more assertive in their international view and their willingness to put pressure on their neighbours.
Further afield, our RAF is supporting the French counter-terrorism mission in Mali, and RAF Regiment personnel are training their counterparts in Nigeria to combat the menace of Boko Haram. Following the devastating hurricanes in the Caribbean last year, who did we turn to? We turned to the Royal Air Force, which flew more than 850 tonnes of vital freight, including water, rations and shelters to help local people.

Matt Western (Warwick and Leamington) (Lab): I would like to pay tribute to my own father for his service in the second world war, and say that the Secretary of State is making an important point about the service provided by so many other nations, particularly in the second world war—the Poles, the Belgians, the Canadians, the Kiwis, the Australians, the US and so many others. We still see that. The RAF has performed such an important role over the decades.

Gavin Williamson: The hon. Gentleman is absolutely right. It is a truly international service. It is absolutely fitting that he mentions so many of those nations that provided an instrumental part of our effort not just to defend Britain, but to defend the values that interweave all our nations together. I had the privilege of being in Poland and meeting some of those veterans who had served for Britain in our services. The pride that they had in their contribution was truly uplifting. It is a debt that I hope this nation will never ever forget, and I do not believe that it ever will. It is a very important part of our tradition.

I am slightly desperate to see the film “Hurricane”. I am not sure whether any Members have had the opportunity to see it. I tried to persuade my wife to come with me to the cinema, but she was not convinced. However, I am looking forward to it being released on DVD, so that I can purchase it.

Royston Smith (Southampton, Itchen) (Con): I am very grateful to the Secretary of State for giving way. On the subject of the Hurricane, I wondered whether I could bring up the iconic Spitfire. I know that he has spoken about the Battle of Britain. The iconic Spitfire was, of course, designed, built and tested flown in Southampton. Would this year, of all years, be a good time to have a lasting memorial, supported by Government, to the iconic Spitfire in its hometown of Southampton?

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): Stoke-on-Trent.

Gavin Williamson: Hampshire made a great contribution to the war effort, with the Supermarine company’s invention, but we must not forget the brilliant people behind it and, as was mentioned by the hon. Member for Stoke-on-Trent Central (Gareth Snell), the great man who did so much with regard to the design of the Spitfire came from Stoke-on-Trent. It would be brilliant to have such fitting monuments, and I would support my hon. Friend in his representations to the Treasury, but I very much hope that the money comes out of my hon. Friend in his representations to the Treasury, which we both have the pleasure of representing. If that is the case, I will happily join him in lobbying the Treasury immediately.

Gavin Williamson: I had the great privilege of being in Stoke-on-Trent with my old friend, Councillor Abi Brown, to look at what has been done in celebrating Stoke-on-Trent’s contribution to the Spitfire. I am personally of the view that, if there is a funding source that is separate from the Ministry of Defence, there should be monuments to the Spitfire right across the nation and also monuments to the Lancaster, the Hurricane and to the many other great aircraft.

Mr Jim Cunningham rose—

Gavin Williamson: I feel there is a bid from Coventry here, so I will give way to the hon. Gentleman.

Mr Jim Cunningham: When we talk about the development of the aircraft, we must not forget that Sir Frank Whittle, who developed the jet engine, came from Coventry.

Gavin Williamson: It is true that Sir Frank Whittle came from Coventry, and I think there should be many more monuments to him in Coventry.

Mr Gavin Shuker (Luton South) (Lab/Co-op): I am sure that the Secretary of State is trying to work out the link between the Hurricane, the Spitfire and Luton, but I will not lead him down that channel. I congratulate him on making the time to look back at the RAF’s proud history, but may I ask him also to reflect on its future? I was fortunate enough to be with the RAF Air Cadets of my old squadron—2461 Icknield Squadron—on Friday night for their annual prize-giving evening. I am also fortunate to have 10F, one of the founder squadrons of the air cadets, in my constituency. Will the Secretary of State confirm the RAF’s ongoing commitment to the RAF Air Cadets?

Gavin Williamson: Very much so; we see the cadets as a way of reaching out to future generations. Many of us in this House will have memories of speaking to our grandparents, who had such an involvement in the different services during the second world war. As that generation sadly passes away, I think of whether my children had the opportunity to be able to speak to those who saw at first hand what total war was, which my children’s generation of course will not.

The cadets are such an important part of reaching out to and inspiring the future generation. I had the great privilege of visiting the Aston University Engineering Academy in Birmingham, which has the most wonderful air cadets unit. There were boys and girls from so many different backgrounds, who were inspired to be involved in the Air Force and to make a contribution. Where they had a passion for science or engineering, they were interested in something that the RAF had given them—a sense of belonging. The RAF really puts a value on their interests and makes them feel that they are part of something that is so much bigger. I was pleased to announce that we will continue to expand the numbers of air, Army and sea cadets. We are hoping to increase the number of placements within school cadet services from 48,000 to 60,000, and we also want to do that for cadet units in the wider community.
Chris Bryant (Rhondda) (Lab): The only cadet unit that does not get any support is the sea cadets, such as those in the Rhondda. I know that we are quite a long way from the sea in the Rhondda, but we have rivers; no, this is a serious point. The sea cadets are one of the most important youth organisations in my constituency, and they get absolutely no support other than a kind of tangential support from the Ministry of Defence. Would the Secretary of State look into at least paying the insurance bill for the sea cadets?

Gavin Williamson: My understanding is that we do support the sea cadets charity, but I will write to the hon. Gentleman with further detail about how we do that. We recognise the support required for all uniformed youth movements. We very much see them as a total family, and that is something that we will continue to do. I hope the hon. Gentleman will forgive me if I turn back to the Air Force.

Jim Shannon (Strangford) (DUP): Will the Secretary of State give way?

Gavin Williamson: I feel as if I would be doing the hon. Gentleman a massive disservice if I did not give way to him.

Jim Shannon: It is always a pleasure to intervene on the Secretary of State. He will recognise that Northern Ireland has a very good tradition of cadet service. The advantage of the RAF cadets, the Army cadets and the naval cadets—I have all three in my constituency—is that they transcend the political and religious divides in Northern Ireland. This is a way to look forward with hope. Does the Secretary of State recognise the good work that the cadets can do across the whole of Northern Ireland, and what they do to bring communities together?

Gavin Williamson: The hon. Gentleman is absolutely correct to point that out. When I was last in County Fermanagh, I had the great privilege of meeting a group of air cadets, who were doing such an amazing job of bringing communities together. There has been a large change in representation within cadet units in Northern Ireland, from them wholly comprising people from a Protestant background to there now being a 70-30 split. We recognise that there is much further to go but, given the progress that has been made over the last 10 years, I hope that we will see much further progress over the next 10 years. It is certainly something about which we can feel very proud.

Mr Sweeney: The Secretary of State makes reference to the air cadets, who do a fantastic job spreading the social footprint of the Air Force to our communities around the UK, but we should also recognise the contribution of our university air squadrons. On Friday night, I had the pleasure of attending the annual dinner of the Military Education Committee of the Universities of Glasgow and Strathclyde, where we celebrated the university air squadron and the other service organisations in the universities. The university air squadron in Glasgow has been in existence since 1941, when it recruited over 400 airmen into the RAF as officers and pilot officers. It made a huge contribution to the war effort and continues to make a huge contribution to this day.

Gavin Williamson: There is a theme coming out very clearly in this debate, which is the role that the Air Force plays in inspiring future generations—whether at school, college or university—into different careers, both in the Air Force itself and in other science, technology, engineering and maths areas.

It would be remiss of us not to talk about what the Royal Air Force is doing today. As we are in this House, the Royal Air Force continues to stand vigilant to protect our skies here in the United Kingdom, but it is also taking our fight to our enemies abroad—Daesh in Iraq and Syria. The RAF has been using its skills to strike and eliminate that threat by combining precision-guided weaponry with unparalleled surveillance, intelligence gathering and surveillance capabilities; flying at the highest operational tempo for over a quarter of a century; and striking more than 1,750 times. The RAF has played a pivotal role in bringing Daesh to its knees and significantly reducing its influence across the world. People sometimes think that the campaigns that the RAF is fighting are very far away from here and maybe do not have a relevance to the United Kingdom, but by dealing with that threat in Iraq and Syria, the RAF is keeping the streets of Great Britain safer.

Mr Gregory Campbell (East Londonderry) (DUP): Does the Secretary of State agree that, while we must remember the magnificent 100 years of the RAF, the best way we can pay testament to the nation and the RAF is by ensuring that the RAF and all the armed forces get sufficient funding to keep us all safe?

Gavin Williamson: The hon. Gentleman is absolutely right to say that the best birthday present that any service can have is probably a little bit more cash. I am sure that the Chief of the Air Staff would very much echo that.

Mrs Madeleine Moon (Bridgend) (Lab): I hope that I am not interrupting the Secretary of State in order to mention something that he is going to come to in his speech. One of the critical elements of defending this country is our rapid reaction force. Every day, that force stands on high alert for incursions into British airspace—both of adversaries and of civilian flights that might have been taken over by terrorists. It is the rapid reaction force that protects our skies across the UK every day.

Gavin Williamson: The hon. Lady is absolutely correct to state that the RAF is always vigilant. It is always ready to act. It is always ready to respond. Within literally a few minutes of a warning, it is up in the air defending our skies and dealing with these threats. That sense of protecting our skies has been a theme of the Royal Air Force throughout its 100-year history.

It is both humbling and inspiring to meet the extraordinary men and women who are doing this—to see their commitment, their passion and their dedication to their duty and the service that they are part of. We in this House must always do everything we can to protect them and to make sure that they always have the very best, much as the hon. Member for East Londonderry (Mr Campbell) said.

Chris Bryant: Will the Secretary of State give way?

Gavin Williamson: Yes, I will.
Chris Bryant: It is about aircraft this time. The Secretary of State will know that quite often the Russians have been flying at the edge of our airspace or sometimes just inside, and that this has seen a very significant increase in the tempo of what the RAF has had to deal with. The Russians keep on saying, “Oh no, it’s Britain that is completely breaking the rules here.” Can he just put the Russians right on this?

Gavin Williamson: Well, I always like to send very clear messages to the Russians. [Laughter.] The RAF is always right, and the RAF is protecting our skies from potential threats. That is the right thing to do, it is what we expect it to do, and it is what it will continue to do against any possible incursions.

The RAF plays a much bigger role than just in our skies. In terms of what we have been doing in NATO, the Royal Air Force has been in Romania as a key and pivotal part of its air defence. When we go to Romania and speak to Romanians, we see the real pride and sense of appreciation that they have for the role that the Royal Air Force has played. The RAF was not there just passively—it was scrambling in order to respond to potential threats that the Romanian air force was also having to deal with. This is a way of expanding our influence right across Europe and the world, because people, quite rightly, put the RAF on a pedestal as the world’s greatest air force, and they put great value and privilege on working with it. We need to exploit that more and more, not just for our strategic defence but from a prosperity angle as well.

Kevin Foster (Torbay) (Con): The Secretary of State is talking about the RAF deploying into Romania as part of NATO air policing operations. Does that not also remind us all of the vital role the RAF plays in providing a conventional deterrent, as we were saying in Defence questions earlier? We talk about our nuclear deterrent, but we are part of a key NATO conventional deterrent as well.

Gavin Williamson: My hon. Friend is right to point that out. This goes to show the depth and the range of roles that the RAF has to perform. People are often attracted to and talk about the fast jet capability of the Royal Air Force, but it is equally important not to forget the much wider role that it plays in terms of surveillance and reconnaissance, which is absolutely critical in dealing with the threats that we are having to manage today. There is also the ability to deliver heavy lift. We have one of the most impressive—I would go further and say the most impressive—heavy lift operations of any air force in the world. I notice my hon. Friend the Member for Witney (Robert Courts) agreeing with that, as it is based in his constituency. No other country, whether it is Germany, Italy, Spain or France, has anything that is even vaguely comparable. The RAF is not just about our past and our present; it is very much about our future. This is about what our future Air Force looks like. We know that air power is critical to our security today, but in a darkening world, with the dangers intensifying, the RAF’s ability to project power around the globe at pace will be a vital part of our tomorrow.

We have spent a landmark year putting our formidable future Air Force plan into place. This has been about bringing to fruition the world-beating fifth generation F-35B Lightning stealth fighters, which have been doing trials off the east coast of the United States off our Queen Elizabeth aircraft carrier. The fact that we now have these aircraft stationed at RAF Marham plays an important role in making sure that Britain’s defence in the future is secured.

Paul Girvan (South Antrim) (DUP): The Secretary of State has just made mention of some of the hardware that we have. Does he not agree that we have the greatest body of men and women who have been trained and are putting their lives on the line? This is about the resource of the people that we have and the training that has put them there. I represent a constituency that has a base, RAF Aldergrove, where one of the oldest squadrons of the RAF was based. It played a key role in the defence of our nation during the second world war and was instrumental in targeting, probably, the Bismarck, which was going to create a major problem for this nation, and ensuring that we had a supply from North America of all the goods that we required during the war.

Gavin Williamson: Yes, there is Aldergrove and so many other RAF bases in Northern Ireland. I think there were 28 RAF bases in Northern Ireland during the second world war, although I may be out by one or two. They all played a vital part in creating the air corridor from the United States to Britain and, of course, to Europe in our great war effort. The hon. Gentleman is absolutely right to single out the people. The people make the organisation, over and above all the aircraft and equipment that forms the Royal Air Force.

As we look forward, it is not just the F-35B Lightning aircraft that creates such an exciting opportunity for what our Royal Air Force will do—it is also about how we continue to develop our capabilities. These capabilities are going to be strengthened by two additional Typhoon squadrons—one at RAF Coningsby, and one at RAF Lossiemouth, securing the RAF’s enduring presence in Scotland and generating growth in the local area. By 2020, Lossiemouth will be home not just to more Typhoons but to the new P-8 Poseidon maritime patrol aircraft, allowing us to defend thousands of miles of ocean alongside our allies the United States and the Norwegians.

Gareth Snell: The Secretary of State rightly points out that the future of the Air Force will depend on the F-35s—As, Bs and Cs—as well as our carrier strike group, but he will also know that there is a £7 billion hole over the course of the next 10-year defence equipment plan. How does he intend to fill that hole in order to achieve what he sets out, which we all agree with, and what more can we do to help him get out of the Treasury the money that he needs?

Gavin Williamson: The hon. Gentleman is trying to tempt me. I am incredibly encouraged by the fact that we have a defence budget that last year sat at £36 billion and next year will sit at £39 billion. This is a real commitment to and investment in our future capabilities. We have already taken out £9.5 billion in terms of efficiencies, and we will continue to look at how we can do more on that going forward. We do recognise the importance of investing, and that is why we are so proud that we have a rising defence budget and the opportunity to invest in new capabilities.
But this is also about looking at how we do things slightly differently. How do we proceed as we invest in new technologies? We have seen a divergence in the costs of military technologies as they rise exponentially higher than those of commercial technologies. How can we start to bridge that gap and bring down some of the costs of these technologies? It will be important to recognise that more new technologies are becoming available. We are upgrading our Reaper remotely piloted air system with the Protector, which will give the RAF unrivalled intelligence-gathering ability and more than 40 hours of endurance. We will be looking at different types of ability to bring the fight to our enemies. A large part of that will be not only F-35s and Typhoons, but unmanned aerial vehicles that will be able to do surveillance and bring strike capability.

Seema Malhotra: The Secretary of State is outlining some of the very important work going on to future proof the RAF and ensure that it remains fit for purpose. Any change that is undertaken requires those who are leading the change and supporting it from within, but there is a deficit in the full strength of the RAF at the moment in terms of numbers, and there are concerns about morale in some of the personnel statistics. Does he agree that support should be given to ensure that morale remains high and that there is sufficient recruitment of people with the skills needed for the future?

Gavin Williamson: I take on board the hon. Lady’s comments. I am not sure whether this has been released or if I am breaking some sort of cross-Government embargo, but apparently recent surveys show that those in the Ministry of Defence and the armed forces have the most positive attitude out of all Government Departments—more so than the Treasury, the Department for Work and Pensions and all the others. That shows that there is a real sense of purpose and a very positive attitude about what we are achieving.

I know that the hon. Member for Llanelli (Nia Griffith) will set out a very positive view and vision of our armed forces and our RAF. We see an RAF that is creating two new Typhoon squadrons and new Lightning squadrons and investing in new technologies, drone capability, heavy lift, Poseidon and all the things that will be so vital for a vibrant future Air Force. We can be incredibly optimistic about that. We are sometimes in danger in this country of talking down what we are achieving; I would not accuse the hon. Member for Feltham and Heston (Seema Malhotra) of doing that, but we should focus on the positives and the incredibly bright future of our Air Force.

As we look to the future, the sky is no longer the limit for our Royal Air Force. Earlier this year, I announced that it had taken command and control of the UK’s space operations, defending our space assets and infrastructure, alongside our allies and partners. As I say, we are lifting our eyes even further than just the sky. In early 2018, the RAF launched a space-based imaging satellite, Carbonite-2, allowing us to take high-resolution colour pictures and video from space. The launch was an important step in integrating the RAF’s ground, air and space capabilities.

But if our Royal Air Force is to keep ahead of our adversaries, we must look not years but decades into the future. Besides investing more than £2 billion by 2025 in Typhoon and future combat air systems, we have launched our combat air strategy. Designed to preserve our national advantage, it will keep us at the cutting edge of air power for years to come. Significantly, we unveilled at Farnborough this summer the Tempest jet fighter concept demonstrator—an aircraft with sixth-generation capabilities. It is that investment and vision that will keep Britain at the cutting edge in terms of capabilities, bringing great benefits to not only the Royal Air Force but British industry, which is investing. We need to see Britain investing in these new capabilities to keep that cutting edge. The air sector is a great success in terms of our ability to export worldwide. In the last year, we have secured a £6 billion order from Qatar for Typhoon and Hawk trainers. That is vital for jobs and prosperity long into the future.

Anyone who has studied the RAF will know that our aircraft are only as good as the people who pilot them and the skilled crews that support them. We must keep everything in our power to inspire and attract a new generation of aviators and engineers. Britain’s first air chief, Hugh Trenchard, once famously appealed for those with “mathematical genius”, “literary genius”, “scientific brain”, “initiative” and “action” to come to the RAF. Today we continue that tradition, following in his flightpath. Not only is every branch of the RAF now open to women, including ground close combat units such as the RAF Regiment, but we are creating new RAF training, education and apprenticeship systems for the next century, with training academies planned around the United Kingdom. Let us not forget that our armed forces are the biggest employer of apprentices of any organisation in this country, with more than 20,000 apprentices employed in our armed forces.

But we must do more to enthuse. Our ranks have included incredible flying aces like Johnnie Johnson and remarkable inventors like turbo-jet pioneer Frank Whittle. We must tell their story. In 2018, once more under the banner of RAF100, we delivered the largest science, technology, engineering and maths programme of any Government Department, bringing the wonders of aerospace and science to more than 1.6 million young people. Who knows? The next Johnson or Whittle might have been among those 1.6 million young people, being inspired to contribute to our Air Force and aerospace sector.

Gareth Snell: I thank the Secretary of State for being even more generous than he was last time. On the subject of STEM, he may not be aware that in Stoke-on-Trent, the home of the Spitfire, my hon. Friend the Member for Stoke-on-Trent North (Ruth Smeeth) and I hosted a free science fair over two days for 1,200 local schoolchildren, with the help of Staffordshire University. Does he agree that that sort of partnership working with higher education and further education in our communities, under the RAF100 banner, shows some of the best parts of our RAF and what we can do together?

Gavin Williamson: I absolutely agree. It is great how we can get the message out by working with partners, as the hon. Gentleman describes. It is great to see that success has many fathers in terms of the Spitfire; I am waiting for other cities to claim parentage of it.

RAF100 was never meant to be a celebration by the Royal Air Force for the Royal Air Force. It was meant to be a celebration for all people of all generations and
all walks of life, reaching not only across the United Kingdom but right across the world, because it is truly a global service. RAF100 was meant to be a celebration of what the British people are capable of and a powerful reminder of what we can still achieve tomorrow. In that, it has succeeded beyond the wildest dreams of those who created the RAF 100 years ago. As we look to spread our wings and become a truly global Britain, it has inspired our nation to soar to ever greater heights.

I hope the whole House will join me in thanking the Royal Air Force and all those who have served and continue to serve in it for everything they have done on behalf of our nation’s defence, and wishing them every success in their second century. The Royal Air Force’s famous motto has surely never seemed more apt—“Through adversity to the stars”.

6.59 pm

Nia Griffith (Llanelli) (Lab): Before I begin what I intend to make a very positive and constructive contribution to this debate, I must put on record my concern and that of other hon. Members about the disgracefully short notice for this debate. It is not as though we have not known for some time that 2018 was the centenary of the RAF—100 years in fact—but to give only one parliamentary day’s notice was very discourteous to Members. I hope that the Government will do better in future.

It is a real pleasure to open this debate for the Opposition and to celebrate 100 years of our Royal Air Force. I will try not to repeat too many of the Secretary of State’s remarks, but we in the Opposition are in a lot of agreement with him on this topic. In those 100 years, the brave, dedicated men and women of our Royal Air Force have worked tirelessly and made sacrifices—in some cases, the ultimate sacrifice—to keep us safe and to protect our freedom.

Although we are marking 100 years since the creation of the Royal Air Force, it did not come from nowhere. I would like to take a few minutes to look at what was happening before 1918. During the past four years, as we have reflected on the events of the first world war, the dominant image for most people has been that of the trenches on the western front—not least because so many families in all our communities have been able to trace family members who served in the Army on the western front. There has been some mention of the war at sea. In the Parc Howard Museum in Llanelli, we have an exhibition on the war at sea. We have talked about the blockade of Germany and the relentless attacks on ships bringing supplies to Britain. Indeed, we had a parliamentary debate on the battle of Jutland.

Many people are much less aware of the use of air power during the first world war. They tend to associate tactics and organisation.

The national Armed Forces Day event was held this year in Llandudno, where, being in Wales, we were of course blessed with perfect weather. The RAF pilots put on a spectacular air display, including by drawing a heart shape and of course the number 100 with their smoke trails.

Mark Tami (Alyn and Deeside) (Lab): Is it appropriate also to remember all those men and women who actually produced those aircraft? I am particularly thinking of the women at Broughton, who still hold the world record for building a Wellington bomber in 24 hours.

Nia Griffith: Indeed. My right hon. Friend makes a very good point. The contribution during the second world war of women in the construction of aircraft, with the skills they obviously had and developed, was absolutely magnificent, and I think very much overlooked. As he says, they actually broke the record with the most amazing construction work at Broughton.

I visited Broughton during the RAF100 celebrations. I was at Raytheon in Broughton on the 38th day of the RAF100 baton relay. The baton had been carried up Snowdon the previous day and it was on its way to the Defence Electronics and Components Agency at Sealand. I was very pleased to be there because north Wales has such strong links with the RAF. It was of course a north Walian Prime Minister, Lloyd George, who established the RAF. It was through his initiative and determination to secure victory in world war one that the RAF, the world’s first independent air force, was created on 1 April 1918.

Paula Sherriff (Dewsbury) (Lab): I hope you will indulge me. Mr Deputy Speaker, with a little more latitude than is normal on the length of this intervention. My paternal grandfather, Arthur Albert Sherriff, died...
on 1 February 1945—he was in a Lancaster bomber—
leaving my dad, who was two years old at the time. My
grandma was in the cinema with a friend when she was
called out and given the telegram saying that her husband
was missing in action. Arthur Sherriff was later awarded
a Distinguished Flying Medal, the DFM, posthumously,
for his actions in a previous raid, when he had been shot
in the shoulder but had continued the mission and
brought the plane down safely. Will my hon. Friend join
me in remembering the brave men and women—men
like my grandfather, whom I sadly never got to know—and
all those who made the ultimate sacrifice in fighting for
the freedom that we enjoy today?

Nia Griffith: I thank my hon. Friend for sharing that
with the House. Indeed, we would all like to pay tribute
to her grandmother and all those who sacrificed their
lives in that way.

I have to say that Dewsbury is not in north Wales: I
will now return to my comments about north Wales.
Lionel Wilmot Rees VC from Caernarfon was the first
pilot to be sent to serve in a designated fighter squadron;
it could be argued, especially by those in Caernarfon,
that he was the first fighter pilot. North Wales has also
been a hub of aerospace engineering. It remains so today,
and will I hope remain so for a long time to come.

There has been a very long-standing relationship
between the RAF and industrial partners. It has been
encouraging to see the excellent work done for the
RAF100 programme, through partnerships with industry
and educational establishments, to promote the importance
of STEM subjects to children and young people and to
inspire them to consider careers in this sector. It is
particularly important that we make young women, as
well as young men, aware of these opportunities.

In my own constituency, my Assembly Member, Lee
Waters, and I have used the landing of Amelia Earhart,
the first woman to fly across the Atlantic, in my constituency
on 18 June 1928—albeit by accident, as she was supposed
to land in Southampton—as an opportunity to establish
an Amelia Earhart Day to provide a chance for girls
from local primary schools to participate in activities to
inspire them to consider a career in science or technology.

Of course, women have made a very significant
contribution to our Air Force, and I want to pay particular
tribute to them. The Women's Royal Air Force
was formed in April 1918, and reformed again just before
the second world war as the Women's Auxiliary Air
Force. Women played a vital role in the Air Transport
Auxiliary in world war two, ferrying aircraft across the
country often in hazardous conditions.

Today, the RAF is outpacing the other two services
on female personnel, with women making up 14% of
regulars and 20% of reservists, compared with 15% and
13% for the maritime and Army reserves respectively.
Not only that, but the RAF has the largest proportion
of female officers: 16% of regular officers and 22% of
reserve officers in the RAF are women. The current
target for women in the armed forces is 15% by 2020,
but the RAF plans to raise its target to 20%. And, of
course, the RAF gave us the first female military two
star, Air Vice-Marshall Elaine West.

As we celebrate RAF100, let us also pay tribute to the
current work of the RAF in the complex task of defending
our shores in the modern world. I thank the commander
of RAF Valley, Group Captain Nick Tucker-Lowe, for a
very informative visit to Valley to see the crucial work
that he and his team do in training the UK's next
generation of world-class fighter pilots. I have also had
the privilege of visiting RAF Akrotiri, where I met
members of the RAF working relentless shifts to defeat
Daesh and liberate Mosul and the surrounding areas,
working in an extremely complex environment and
taking the utmost care to avoid civilian casualties.

The Government have made progress in recognising
participation in Operation Shader in the awarding of
medals, but there is still concern about the criteria and
whether there could be broader recognition of personnel.
I wonder whether the Secretary of State would be open
to looking at this again.

Nia Griffith: I thank the Secretary of State for that
welcome response.

As if we needed any reminder, yet again in the last
24 hours we have been reminded of the vital role that the
RAF is playing in Romania as part of NATO's
enhanced air policing to deter Russian aggression and
improve security in south-east Europe. We must
acknowledge also our gratitude to the quick reaction
alert teams, who are in constant readiness to protect our
skies.

The RAF has a distinguished past, and we as politicians
have a responsibility to ensure it has the fully trained
staff and equipment needed to defend our shores in the
future, but the National Audit Office has found that
among the redundancies made by the Secretary of
State's predecessors between 2010 and 2015 were air
crew trades—specialisms that now have shortfalls.
Furthermore, the 2015 strategic defence and security
review made several commitments that increased the
need for pilots, and the RAF was approximately 22%
below its requirement for pilots in April 2017. The RAF
therefore needs to train 180 pilots each year to meet the
commitments announced in the SDSR, but it is unable
to train more than 132 each year at present. What
strategies is the Department employing to recruit and
retain the brightest and best and to increase the diversity
of recruits to ensure that talent is not being overlooked?
In particular, what is the Secretary of State doing to
increase the number of pilots being trained?

It is disappointing that the Government's decision to
scrap the Nimrod without a replacement has left us
dependent on allies for submarine surveillance, so can
the Secretary of State update us on when the P-8s will
be fully operational? Can he also tell us when the Queen
Elizabeth aircraft carrier will be fully equipped with
P-35s? Developing future technological advantage is
particularly crucial to our defence, particularly at a time when
adversaries, including non-state actors, are catching up
ever more quickly with technological advances, so I
welcome the Government's publication of the combat
flew with 249 Squadron and was in one of three Hurricanes ambushed over Southampton. Sadly, he was not the only pilot to be shot down. Hon. Members will be aware that, while his aircraft was ablaze and he was about to bale out, he saw an opportunity to fire on an enemy aircraft. Even though his hands and face were burning, he stayed in the blazing aircraft until he had shot down the enemy. In an act of bathos that bordered on a war crime, he was further injured by being shot while parachuting downwards by an over-enthusiastic member of the Home Guard.

At the ceremony to name the building in Flight Lieutenant Nicolson’s honour—sadly, although he survived that encounter, he did not survive the war—I met his nephew, who told me about the other Hurricane pilot who was shot down and whose grave I had seen in my constituency, in All Saints’ Church, Fawley, without knowing the story behind it. Martyn Aurel King, it now emerges, was the youngest pilot to fight and fly in the Battle of Britain; he was just 18 years old, and he died on that day in the same incident. After he baled out successfully, his parachute collapsed and he came down on the roof of a house in Shirley, Southampton, and died in the arms of the householder. We still do not know whether the reason that his parachute collapsed was that it was shredded during the attack on his aircraft, or that he too was the victim of whatever foolish and criminal people on the ground thought it fit to fire on descending pilots, whether the enemy or our own people. A terrible tragedy.

I had seen Martyn Aurel King’s grave because it is in the second of two rows of such graves in the churchyard. The first row contains the remains of Flight Lieutenant Samuel Marcus Kinkead DSO, DSC and Bar, DFC and Bar, whom I have occasionally mentioned in this House as an outstanding pilot in the first world war, the Russian civil war and the middle east, and ultimately one of the Schneider trophy pilots. He lost his life in 1928 trying to break the world air speed record. He was attempting to become the first man to exceed 5 miles an hour—300 miles an hour—in a forerunner of the Spitfire, an S.5 seaplane.

Through researching and eventually writing a book about Kinkead’s life, I came to understand more about the formation of the Royal Air Force in 1917 and 1918. I realised that it had grown out of Parliament’s need to react to the increasing terror raids by Gotha bombers on London in particular, which greatly exceeded in terms of casualties the previous and much better known Zeppelin raids. Lieutenant General Jan Christian Smuts had been charged by Prime Minister David Lloyd George to look into the question of the aerial defence of London in particular and to make wider recommendations. A report by Smuts placed before the War Cabinet on 17 August 1917 was later described by the official historian of air power in the first world war as “the most important paper in the history of the creation of the Royal Air Force”.

What Smuts said was this:

“Nobody that witnessed the attack on London on 7 July could have any doubt on that point... the day may not be far off when aerial operations, with their devastation of enemy lands and destruction of industrial and populous centres on a vast scale, may become the principal operations of war to which the older forms of military and naval operations may become secondary and subordinate.”
Dr Julian Lewis]

We have heard about how the Royal Naval Air Service and the Royal Flying Corps played their separate parts in the formation of aerial tactics and strategy during the first world war; but what is interesting is the way in which the new Royal Air Force, created in April 1918, by August 1918 was so much more fully integrated with operations on the ground. Of all those events whose centenaries we have been commemorating over the past four years, only one was really positive: the centenary of 8 August 1918, the battle of Amiens, of which hardly anyone had heard—even though German military historians and German generals define that date as "the black day of the German Army" and British historians regard it as the start of the 100 days campaign that led to the collapse of German resistance and the Armistice in November.

What was significant was that the RAF operated in such close support of the troops on the ground that, for the first time, with the combination of armour, the vital element of surprise, and the extremely effective use of ground forces in complete and total co-ordination with air forces, the breakthroughs that had so long eluded the allied armed forces—leading to such catastrophic casualties at the Somme, Passchendaele and other, equally infamous, battles—turned into a successful and decisive result for the allied cause.

After the end of the first world war, the new air arm flexed its muscles. In my research into the life of Kinkead, I learned about the way in which it was used to try to exercise air control—to some extent by itself, but more effectively, once again, in combination with ground forces—in Iraqi Kurdistan in the 1920s. In the 1930s, we see a very different view of air power: a belief that air power, coupled with the use of poison gas in particular and high explosive, would lead to the collapse of civilisation. That was what people then anticipated. Air power in the 1930s was very much regarded in the way that we regard nuclear war in the post-second world war era. As it happens, air power was not as powerful as was predicted, and gas was of course not used from the air in the second world war. Why? Because Winston Churchill had made it abundantly clear that any use of gas, either against our own forces, or even against the forces of our ally Russia, would be met by overwhelming response in kind from the Royal Air Force. That was an early example of deterrence preventing a dreadful weapon from being used at all. Poison gas was used in concentration camps because there was no deterrence there; the victims could not hit back.

During the war, there were arguments about area bombing and attempts to bring about the collapse that had been predicted in the 1930s, but it did not work. History has not been kind to the architects of aerial bombardment where whole populations were targeted for strategic reasons. Precision bombing proved to be far more effective and to a considerable extent far less costly. I think it was the historian A.J.P Taylor who described the loss of life in RAF Bomber Command during the second world war as more than 55,000 Bomber Command personnel died on operations—as "an aerial Passchendaele". That, I feel, is no exaggeration.

When the war was over, the RAF was involved much more selectively in counter-insurgency campaigns in places such as Malaya, where I cannot resist pointing out, my partner's father, Frank Souness, won the Distinguished Flying Cross during those operations. He is 88 now and we are very proud of him. The purpose of what the RAF was doing was to try to help those countries that had been British colonies and were ceasing to be British colonies to establish themselves independently without falling victim to communist insurgencies. That was a very different role from what the RAF had been doing during the war, although it bore some resemblance to what it had been doing in between the wars.

Let me move on to the dawn of the British nuclear deterrent. It was the V-bombers, Victor, Vulcans and Valiants, that were responsible for carrying the nuclear bombs that constituted the strategic deterrent. Once again, we see the huge range and versatility of the different tasks that the RAF was called on to perform. We have heard from those on the Front Benches about the precision airstrikes that are being used in Iraq and Syria against Daesh. I supported the use of precision airstrikes against Daesh in Iraq, but I voted against it in Syria; not because I disapproved of it, but because it failed to acknowledge the fact that, apart from the Kurdish forces, there were not moderate forces on the ground in whose support that air power could be used. Time and again, we have seen that it is the combination of air power with troops on the ground that proves so vitally effective.

I conclude my remarks by saying, in relation to the RAF, something that the Secretary of State for Defence has heard me say many times in relation to defence generally—usually about warships: quantity has a quality all of its own. There is no doubt about the calibre of our personnel. There is no doubt about the sophistication of our equipment. What there is doubt about is the size and quantity of our armed forces. So I wish him luck in his continuing fight to get the percentage of GDP spent on defence back towards a level commensurate with the levels of threat we face. If he can supply the money, the people of Britain will supply the personnel and the ingenuity to see that the RAF is as effective in the future as it has been for the past 100 years.

7.32 pm

Stewart Malcolm McDonald (Glasgow South) (SNP): I have had to follow the right hon. Member for New Forest East (Dr Lewis) in these defence debates many times, and it never, ever gets easier. He is New Forest East’s answer to David Starkey when it comes to these affairs. The House is furnished with much knowledge as the result of his contributions. I pay tribute to him, on behalf of Scottish National party Members, for the sterling job he does as Chair of the Defence Committee. Despite our many disagreements, he is immensely fair to all the voices that make up that Committee.

I welcome the fact that this debate has been brought forward in Government time. Those who attend defence debates regularly will know that they are often requested, particularly by the Opposition. In fairness to quite a few Government Back Benchers, we do have more defence-related debates in Government time. Although this debate appears to be more of a tribute exercise as opposed to a defence debate, I will try to crowbar in some points that I think those on the Treasury Bench would do well to consider.

Before getting into that, however, I want to pay tribute to the Royal Auxiliary Air Force 602 Squadron in Glasgow, which is based in my constituency. It was a
pleasure to spend a Saturday afternoon with its members a few months ago. It had been scheduled in my diary for an hour. It lasted five hours. That is no complaint: it was useful for me and I hope it was useful for them. I would like to pay particular tribute to the commanding officer, Squadron Leader Archie McCallum, who does a fine job at the base in Carmunnock Road representing the base and the RAF to the local community and the city of Glasgow.

Right next door to the Royal Auxiliary Air Force base in my constituency is Cathcart Old parish church, whose minister has done a lot of great work with veterans and members of the armed forces. In particular, there is a real focus on supporting those who served in the RAF. Indeed, I was actually selected as the SNP candidate for my constituency in the RAF café in Cathcart Old parish church, which is very active to this day. As Members would expect, in paying tribute to everyone who has served in the RAF over the past 100 years I want to pay particular tribute to the Scottish effort and contribution to the history and the future of the RAF, much of which we will hear about from others.

Hannah Bardell (Livingston) (SNP): Will my hon. Friend join me in paying tribute to family members who served in the RAF? My grandfather, Hugh Bowman, served in the RAF out of Glasgow. He used to tell me many stories when I was growing up about his time in the RAF, including how they would fill bullet holes with chewing gum.

Stewart Malcolm McDonald: Yes, is the answer to my hon. Friend’s question; I do not think that needs anything further from me.

The Royal Auxiliary Air Force base in Carmunnock Road in my constituency is not our only affinity with aviation, Mr Deputy Speaker. Indeed, if you were to come back to my constituency—you were kind enough to come, I think, around about this time last year—and take part in the Pollokshields heritage trail, you would walk down Fotheringay Road, which is not very far from my house, and come across a Historic Scotland plaque which marks the birthplace of the pioneer aviator James Allan Mollison. He was the first person to fly solo across the north Atlantic in a westerly direction, in August 1932.

I expect someone to jump to their feet when I mention the connection to air defence at RAF Leuchars goes back to before the creation of the RAF.

Stephen Gethins (North East Fife) (SNP): Will my hon. Friend give way?

Stewart Malcolm McDonald: My hon. Friend might want me to make my point first. [Laughter] I think the balloon corps was based there from 1915, but I am probably about to get corrected by the MP for RAF Leuchars.

Stephen Gethins: I thank my hon. Friend for giving way. I actually will correct him. It has been based there since 1911, so there is over a century’s association between Leuchars and our air services, if I can call it that. If I could further explain, Leuchars, although a military base—we are looking forward to the investment from the Ministry of Defence over the coming years—is a jewel in the crown for the MOD, given that it retains that fantastic runway and so has the ability to continue to serve the RAF and the rest of the military to this present day.

Stewart Malcolm McDonald: My hon. Friend is absolutely right. I know he has a very good relationship with the base there: it is a solid part of the local community in his constituency. I am sure there are many great jokes to be made in future SNP adoption meetings about his being the MP for the balloon corps. I would not be so unkind as to illustrate them on the Floor of the House.

It was of course a tremendous act of foresight by this place—something it does not always get right—to create the Royal Air Force, the only one of the forces created by an Act of Parliament. The RAF went on to play a vital role in securing the security, dignity and freedom of millions not just in this country but across the world. I want to pay particular tribute to the RAF Benevolent Fund, which will be known to many Members, and the excellent work it does to support RAF families and veterans. It was an honour to join it in Edinburgh this year as part of the RAF100 celebrations, with other hon. Members.

To turn to more contemporary matters concerning the RAF, it is true that SNP Members have not always agreed with the decisions made by this and previous Governments on how they have chosen to deploy military force, but for the purpose of this debate, we can sit that to one side. However, we need a serious discussion and all wish to see serious progress on morale among those serving in the forces. The last continuous attitude survey showed that only 41% of those serving in the RAF were satisfied with service life and only 32% reported having high morale. The armed forces charity, SSAFA, found in 2016 that 40% of working-age veterans said that they were suffering from depression, 36% felt that they had a lack of hope or purpose, and 30% said that they had a mental health issue.

Somewhere around the beginning of the debate, it was mentioned that the Government brought forward a debate on the new veterans strategy. It is a good strategy and I sincerely hope that it delivers, but there has to be an acknowledgement of the lack of joined-up working and joined-up thinking on how we can tackle these issues. At Defence questions this afternoon, we heard about the work that is done, for example, by armed forces champions in different local authorities. I am not entirely sure what the make-up is in the rest of the UK, but in Scotland we have 32 armed forces and veterans champions in 32 different local authorities, and in some cases, we can have 32 different people doing 32 different jobs, because the role is not clearly defined. It seems that it is really what the champion chooses to make of it, and I think that those who have served in the RAF and the other forces deserve a bit more than that.

We have to consider these issues when we look at the larger issue of the recruitment crisis. I do not have the exact figures in front of me concerning the RAF, but I know that the House has shown great concern about this in the past.

Toby Perkins (Chesterfield) (Lab): The hon. Gentleman is raising an important point about morale. Alongside the difficulties that he raises, does he agree that many people in the air force have very transferrable skills that are worth a huge amount of money in the private sector,
and that as they get towards the mid-levels of their careers in the air force, the pressure on family life and the alternatives that are available mean that they move on and we end up with a deskilled air force? We still have top-quality people and top-quality equipment, but we are perhaps not as match-fit as we should be in the current climate.

Stewart Malcolm McDonald: The hon. Gentleman is absolutely correct to raise that point. Indeed, the continuous attitude survey even found examples of large numbers of people in not just the air force but the other forces joining up for the purpose of getting a skill to then move out into the private sector. This cannot be a taboo subject that we dance around in such debates; we need to have a serious discussion about this and tackles it head on.

Let me turn to how we make the armed forces a more attractive career and a place that does not have such a movable workforce, with people going in to get a skill and then go into the private sector. This cannot be a taboo subject that we dance around in such debates; we need to have a serious discussion about this and tackles it head on.

The Under-Secretary of State for Defence, the right hon. Member for Bournemouth East (Mr Ellwood)—the Minister for defence people and the armed forces—said at Defence questions earlier that the reason we do not have a body or a trade union, or whatever we need to, is that the armed forces have Members of Parliament to do the bidding for them. Look around you, Mr Deputy Speaker—if this is the backstop for members of the armed forces, then my goodness, we are in much more trouble than some of us suspected. If we go back to video footage of the parliamentary debate on the veterans strategy, we see that we could have fit every MP who was here for that debate on to the Bill that we give members of the armed forces the right to ha ve a serious discussion about this and tackle it head on.

The Minister for the Armed Forces (Mark Lancaster) rose—

Stewart Malcolm McDonald: I see that the Minister is anxious to come in, and I will let him. We are not proposing in the Armed Forces Representative Body Bill that we give members of the armed forces the right to strike—we do not agree with that—but we do think that is right that members of the armed forces should have a body on a statutory footing to make the case for the best possible terms and conditions as public sector workers who do the most extraordinary job in the public sector.

Mark Lancaster: Will the hon. Gentleman share with the House what evidence he has that there is any call from members of the armed forces for such a move?

Stewart Malcolm McDonald: We put this in our manifesto at the last election—we put it in our manifesto for the election before that as well—and we returned 35 of the 59 Scottish seats that were up for grabs. Look, I am not sure to what extent there is polling on this—[Interruption]—Well, the Minister asked for evidence, and that is what I have got, but I am quite sure that he and those who sit on the Government Benches behind him want to take this issue seriously. I say this as no criticism of the shadow Front Benchers, but we have brought forward a proposal. Let us get something together so that we can start to have a serious discussion. At the end of the day, we all want the armed forces to be a serious and attractive place to go. My goodness, it has many, many problems, so let us have a discussion. The Scottish National party—indeed, my hon. Friend the Member for West Dunbartonshire (Martin Docherty-Hughes) introduced this Bill—will aim to produce a Bill, and I will make sure that it gets sent directly to the Minister, as a starting point for where we can take things.

Stephen Gethins: My hon. Friend is being generous by taking a second intervention from me. I stress to the Minister that a good idea is a good idea that is worth exploring, and I know that he will do this in good terms. I have even spoken to Ministers about families as well, because when we talk about backstops and support, we have to remember military spouses. On that, I recommend Leuchars co-working hub, where some of the military wives—it does tend to be the military wives—have worked together to provide support for businesses. The best back-up that our military and RAF personnel have is their families. They deserve our support, and my hon. Friend’s idea is an excellent one, which is supported by a number of families, too.

Stewart Malcolm McDonald: My hon. Friend is absolutely correct: a good idea is a good idea. It has been introduced with the genuine best of intentions, and I hope that the Government will see it in that spirit.

The shadow Secretary of State, the hon. Member for Llanelli (Nia Griffith), mentioned the issue of funding, which also plays into the whole notion of whether a young person today would choose to sign up to the armed forces. If they were to spend any time at all looking into how the armed forces are funded—the pages of The Times newspaper are usually where someone can read all about this—it would cause them some concern. SNP Members have offered to the Secretary of State and his team of Ministers to try to get to a sustainable level of funding for the MOD, because that is clearly not there now. The shadow Secretary of State mentioned the National Audit Office and Public Accounts Committee reports that show that the affordability gap in the equipment plan has got worse, not better—indeed, the best-case scenario has got worse by around £3 billion.

We can really only hold our fingers in our ears about this issue for a certain amount of time. Again, we have brought forward another good idea. Indeed, the former Minister, whose constituency has gone right out of my head, but who chose to resign from the MOD over the Brexit issue, said that he would consider our proposal of multi-year defence agreements to try to bring some sustainability to how the armed forces, such as the RAF, can be funded. Again, this is an entirely normal
practice in other NATO member states and in other European countries. It helps to take the heat out of how defence is funded." *Interjection.* The hon. Member for Caerphilly (Wayne David) shouts that the Minister was the hon. Member for Aberconwy (Guto Bebb). The proposal could help to take the heat out of some of that discussion and put some proper weight behind what the MOD want to achieve.

In that context of what the MOD wants to achieve, what is the role of the armed forces, and what is the role of the RAF to be? We thought we would all see that in the modernising defence programme, a programme that is now so steeped in controversy that I am not sure whether anyone will be able to take it seriously when it is published. We were supposed to see something earlier this year that would be linked with cyber-security and cyber-defence, but that was hived off in about April, which I think was a sensible decision.

The Government then promised to produce the programme before the summer recess, but instead the House was treated to—I think—four or five paragraphs in a written statement on the day the House rose for the recess. My nephew could have written that in a couple of hours, and he only started high school this year. It is really not on. If I were in the armed forces, looking on, I would be thinking, "What on earth is going on at Government level to ensure that we have the necessary equipment and funds so that we can continue to have the fine armed forces that we deserve?" When will the modernising defence programme be published so that the House can consider it?

I said earlier that creating the Royal Air Force was a tremendous act of foresight by Parliament. I think that we now need to revisit these questions: what is the modern Royal Air Force set to achieve for the United Kingdom and its allies, and what is its role to be in a changing threat picture involving kinetic and hybrid threats? I accept that we cannot give any serious answers in the time that remains this evening—

Mr Deputy Speaker (Sir Lindsay Hoyle): There is plenty of time.

Stewart Malcolm McDonald: I do not want to prevent others from showing their worth, Mr Deputy Speaker.

That is the level to which Parliament needs to take this debate. I think that Parliament is up for it; I just hope that the Government are as well.

7.51 pm

Leo Docherty (Aldershot) (Con): I am grateful for the opportunity to speak in this important debate. I am also pleased to follow the hon. Member for Glasgow South (Stewart Malcolm McDonald) and my right hon. Friend the Member for New Forest East (Dr Lewis), both of whom made knowledgeable, relevant and eloquent speeches.

"Freedom is the sure possession of those alone who have the courage to defend it."

As I am sure many Members will know, it was Pericles, the 5th-century Greek statesman, who said that. I think the House is united in recognising that for the last 100 years the Royal Air Force has been at the forefront of that defence on our behalf, along with the Royal Navy and the British Army. In that role, they have acquitted themselves with a terrific record of courage, sacrifice, innovation and service.

I am proud to say that much of that innovation, and much of the early development of the Royal Air Force, took place in my constituency. Farnborough had a critical role to play in the genesis of the RAF, partly through its role as the birthplace of British aviation. Samuel Cody, a tremendous pioneer, conducted the first British flight in October 1908. The flight, which lasted not much more than 20 seconds, concluded with his crashing into a tree, but it was nevertheless the first British flight, and was the start of a tremendous sequence of innovation whose legacy still exists today. Everyone will be aware of the terrific biennial air show, when the numerous defence and aviation industries cluster around Farnborough and the Blackwater valley. This year’s show saw the unveiling of Tempest, which represents the future of air combat.

Farnborough’s role in the genesis of the RAF was connected not just with the first British flight but with its position as Lord Trenchard’s headquarters, where he formalised the establishment of the Royal Flying Corps as a battle-winning force. What had been a battle-winning force in the first world war had, by the second world war, developed into a war-winning force, in the form of both Fighter Command, which smashed Germany’s means of war production with extraordinary losses to its flight crews. My right hon. Friend the Member for New Forest East mentioned that the Bomber Command air crews suffered devastating losses; a total of 55,573 perished during raids. As Members will know, Churchill said:

"The fighters are our salvation but the bombers alone provide the means of victory."

I think it a fitting testament to their sacrifice that that is inscribed on the Bomber Command memorial in Hyde Park, which most Members will have visited.

Kevin Foster: It is absolutely right for my hon. Friend to pay tribute to the crews of Bomber Command, many of whom flew on their own in the dark at night, despite being part of large formations heading for Germany, and who showed exceptional bravery. Does he agree that it is a shame that it took so long to secure that fantastic memorial to those who have lost their lives in the service of this country?

Leo Docherty: We waited too long for that memorial, but I think we all agree that, now that it exists, we wholeheartedly support it, and recognise their sacrifice and their valour.

Bob Stewart (Beckenham) (Con): May I commend to the House Air Chief Marshal Sir “Stuffy” Dowding, who ran Bomber Command, and who was unjustly dealt with at the end of the war?

Leo Docherty: I am grateful for that intervention from my hon. and gallant Friend. As he says, the record and the history of Bomber Command created a great deal of controversy, but it is good that we now have the memorial, and a more widespread recognition of its role and its contribution to our efforts in the second world war.

Christian Matheson (City of Chester) (Lab): If I happen to catch the eye of the Chair later, Mr Deputy Speaker, I will make this point more fully. During those
difficult early years of the war, it was only Bomber Command that took the war to the fascist enemy that we eventually overcame. I join the hon. Member for Torbay (Kevin Foster) and others in paying tribute to the men of Bomber Command, for whom the recognition that they thoroughly deserved came so late.

Leo Docherty: It came late, but it was wholehearted and sincere. I think the hon. Gentleman will agree that Fighter Command was our salvation, but Bomber Command alone was the means for our victory. That, I think, is a fitting testament.

Mr Steve Baker (Wycombe) (Con): As I listen to my hon. Friend, I am struck by the fact that the Royal Air Force did what was necessary and right, using the weapons that were available at the time. I hope he agrees that we are blessed indeed that at this time the RAF is equipped with precision weapons that will ensure that we do not face such tactics again.

Leo Docherty: Absolutely. Those who fly in the world-leading Typhoon and F-35 platforms are the same in spirit, but they have remarkably more precise weapons. It is to the credit of the early innovators of the RAF that our own military establishment can develop such means of precision.

The war experience of many of those pilots was very poignant, especially because of their youth. Many of them were extremely young, and because of their inexperience they had no real conception of the strategic importance of their role. Many were simply interested in flying. They were not really interested in the politics or the strategy of the war as a whole; they were simply drawn to the near-magical experience of flying.

I am sure that many Members will be aware of the way in which W.B. Yeats gave voice to that sense in his famous poem “An Irish Airman Foresees His Death”, in which he wrote:

“No r law, nor duty bade me fight,
Nor public men, nor cheering crowds,
A lonely impulse of delight
Drove to this tumult in the clouds”.

I think that that is an eloquent description of the motivation that many of those young pilots experienced.

Another poetic voice was that of Pilot Officer John Gillespie Magee, who described his experience as a Spitfire pilot with the following famous words:

“with silent, lifting mind I’ve trod
The high untrespassed sanctity of space,
—Put out my hand, and touched the face of God.”

This is all the more poignant because it was written very shortly before his death, aged just 19, in 1941.

We are conscious that it is that same impulse today that drives pilots in our modern Royal Air Force, twinned with a remarkable tradition of courage, sacrifice and service, and we must note that, currently serving in all platforms, such as Typhoon, F-35, even the Chinook regiment in Oldham, Hampshire, we have a very large number of RAF pilots engaged on operations across 22 countries doing their utmost to keep us safe. Since 2014, there have been 1,750 airstrikes across Syria and Iraq as part of Op Shader, and this is the work of the RAF being conducted to the highest standards of tradition and courage, which we have come to expect. I will give one example: Flight Lieutenant Thomas Hansford, a Typhoon pilot, was last week happily awarded the Distinguished Flying Cross for conducting a nine-hour mission to destroy an ISIS convoy out of his base in Cyprus.

So the tradition that we have been describing, and which had its genesis in the first and second world wars, is alive and well, and I think the whole House is conscious that people like Flight Lieutenant Hansford inherit this tradition. He is an extremely brave young man, but we should also note that the 32,000 personnel in the RAF serving alongside him are also loyal and brave, just as he is.

These are people who serve as individuals, but who together in their teams, regiments and formations, and as our Royal Air Force, have a strategic impact and a remarkable reach around the globe. As we celebrate 100 years of the RAF, this House owes them all our gratitude, our respect and our thanks.

Several hon. Members rose—

Madam Deputy Speaker (Dame Rosie Winterton): Order. As colleagues will see, a fair few Members want to contribute to the debate. I will not impose a time limit, but if contributors can stick to just under 10 minutes we can get everybody in.

8.2 pm

Mrs Madeleine Moon (Bridgend) (Lab): It is an honour to follow the hon. Member for Aldershot (Leo Docherty), a fellow member of the Defence Committee, and the Chair of the Committee, the right hon. Member for New Forest East (Dr Lewis).

I speak as chair of the all-party group on the Royal Air Force, an alumnus of the armed forces parliamentary scheme with the RAF, chair of the all-party group on reserves and cadets forces, about which we have heard a lot, and, very proudly, co-chair, with former Air Chief Marshal Lord Stirrup, of the Royal Air Forces Association parliamentary branch here in Westminster.

We have heard a lot about this year being the 100th anniversary of the RAF, but we have also been celebrating the 100th anniversary of the first world war. It is coming to an end, but I urge people if they have time to pop down to Porthcawl and see the fantastic display both commemorating the events of the first world war and showing the connections of Porthcawl and south Wales to the RAF.

I have a poster in my office that was put out in the first world war encouraging people to join the new Air Force. It is a wonderful inducement to join, saying, “If you volunteer to join, you will not be forced against your will to join the Army or the Navy.” I can see people thronging to join up on that basis alone.

We heard early on about the RAF being formed on 1 April 1918, with the merging of the Royal Flying Corps and the Royal Naval Air Service. That partnership endures and is still important today, and those of us who are following events on the Queen Elizabeth aircraft carrier can see how vital that synergy continues to be through to today.
Right at the start, the RAF was a service that embraced new technology and techniques, and it has been that way ever since. The new air service fought all over and in every aspect of the battlefields of the first world war, providing invaluable intelligence, surveillance and reconnaissance capability, as well as carrying out what we all know in terms of its bombing missions, and that was vital to the eventual victory.

After the war, innovation moved into civilian life. A department of civil aviation was created within the Air Ministry to regulate aviation in the UK in 1919, the same year that two RAF officers, Captain John Alcock and Lieutenant Arthur Whitten Brown, made the first non-stop flight across the Atlantic ocean, a seemingly impossible task.

During the interwar years, the RAF began its long tradition of training apprentices in the skills of aircraft engineering and maintenance, setting them up for great careers both in the service and in the growing aircraft industry, which was vital for the regeneration of the UK economy. During those interwar years, the RAF became a true national institution. With the outbreak of the second world war, the RAF once again stepped up to defend the country; it fought valiantly, defending our skies and our shores from invasion.

I want to talk about two things. The first of them is the way the RAF has always been willing to absorb people from across the world. The RAF’s No. 145 Squadron consisted of men from Belgium, Australia, Argentina, Czechoslovakia, Trinidad, Poland, the US, Canada and South Africa. The fantastic Air Transport Auxiliary consisted of 166 women pilots who often flew a plane after getting just 15 minutes to read a manual. They had no navigation capability; they literally had maps on their laps and navigated themselves around the country. But it attracted pilots from Britain, Canada, Australia, New Zealand, South Africa, the US, Poland and the Netherlands, again coming to Britain to fight on our side, but coming to Britain also because of the chance to fly with the RAF.

Since I have been chair of the all-party group, we have taken to having a battle of Britain dinner. I want to tell Members about the first of them, because it was one of the most moving experiences I have had in this House. I asked those pilots and aircrew who were with us if they would each give us just three minutes of their memories. The first man said, “I want to thank the merchant navy. Without the merchant navy and their bravery, we couldn’t have flown. So that is my memory: the death of all those men in the merchant navy.” Everybody was rocked.

Then the second man stood, and he said, “I want to thank the French civilians. My plane came down and I walked for two days. I did not know where the heck I was, and eventually in desperation, I knocked on a door and a family took me in. They hid me; at risk to their own lives, they fed me, they dealt with my wounds, and then they moved me from family friend to family friend until I actually made it to Portugal. And I got back, and I had the chance to fly again.”

The whole history of the RAF is about amazing people. I cannot tell hon. Members how wonderful everyone from the RAF I have ever worked with has been and how willing and open to new ideas and innovation they are.

During the cold war, the RAF played a critical role in keeping us safe. We tend to dismiss the cold war now, but it was the deterrence represented by the RAF that kept us safe. Because people knew the risk of challenging the Royal Air Force, the cold war remained a cold war and never became a hot war. Even today, the RAF remains one of the world’s most capable and respected air forces. Its fighter capability and its intelligence gathering are huge.

During its first 100 years, the RAF has shown the spirit and invaluable service that our air force provides to this country, not only in defending our skies but in innovating, adapting and improving and in making use of new technology in combination with the skill and professionalism of its servicemen and women to create a national institution that we are all rightly proud of. That challenge continues and faces us every day.

The Secretary of State talked about Carbonite-2, the satellite capability launched recently by the RAF, along with its range of sensors and ground stations. Carbonite-2 is huge by comparison with some satellites that we see nowadays. It is about the size of a washing machine, but its telemetry and high-definition video recording will provide critical information for intelligence, surveillance and reconnaissance—ISR—purposes. That information will be sent into the cockpits of our fighter jets before we know it.

In 2017, I presented a report to the NATO Parliamentary Assembly on “The Space Domain and Allied Defence”, in which I said:

“NATO needs a whole-of-alliance approach to protect its interests in space to enhance resilience and deter any threat to its space-based capabilities.”

I am very proud that the RAF takes on that challenge.

Jim Shannon: It would be remiss of us here in the House not to record our congratulations to the hon. Lady on becoming President of the NATO Parliamentary Assembly. We are all greatly encouraged by her elevation to that position, and we wish her well.

Mrs Moon: I thank the hon. Gentleman for his comments.

We have a problem within the NATO alliance, however. At the moment, there are just six postings in NATO, in six different departments, that are designated as space operational positions. That is not good enough. We must all welcome the development of the bi-strategic command space working group, which has recommended the creation of a NATO space operational centre of excellence to offer expertise and experience that will benefit nations across the alliance. We are fortunate here in the UK, because we have a very capable space technology community. Not everyone is so advanced in that field, and we need to spread that expertise.

NATO’s joint air power strategy is dependent on national space-based capabilities to support air, maritime, land and cyber domains, and for early warning, ISR, communications, positioning, navigation and timing information. We are at a time when the treaties and regulatory and legal frameworks relating to space will have to change. We have always argued that space should not be weaponised, but the threats that are coming our way indicate that other countries will not abide by the existing rules, and we need to be ready to face those threats.
The Secretary of State talked about the RAF already being engaged in 15 missions across 22 countries, the majority of which are alliance missions. We all have a responsibility to ensure that they have the money, the personnel, the training and the best technology to ensure that the RAF’s edge is maintained and that its ability to command the air environment continues.

One of the most amazing things about being a member of the Defence Committee is that we have the capacity to drill down into areas that other people do not always understand. An example would be the RAF rules of engagement. When I was doing a report on behalf of the Committee on remotely piloted air systems—known as drones to the rest of the world—it was fascinating to see the rigorous nature of the rules of engagement and of the tests that everyone going in to pilot a drone in Afghanistan or anywhere else in the world is required to go through before they can go on duty. It was fascinating to see the checks and balances involved, and the requirement to ensure the safety of civilians, which was central to everyone’s thinking. I do not think that we speak enough about that. We do not tell our public how high the level of integrity is of the people who serve this country, how that manifests itself day after day and how respected it is around the world.

I want briefly to mention the importance of the defence industry. The combat air sector has contributed 80% of the total defence exports over the past 10 years. It has an annual turnover of £6 billion and supports 18,000 skilled jobs. That vast network is part of the RAF legacy and an offshoot of this national institution.

I cannot finish without speaking about the people of the RAF. The hon. Member for Wycombe (Mr Baker) and I share a great friend. When I became the chair of the RAF all-party parliamentary group, a liaison officer was appointed by the Ministry of Defence to ensure that I understood things and perhaps that I behaved myself—he did not do very well at that—as well as to ensure that I was accurate in the things that I said and did. That man was Wing Commander Philip Lamb. After being a parliamentary liaison officer, he went on to be the station commander at St Mawgan and then to become our defence attaché in Sweden. It was there that he became ill. On the day—in fact, at the very minute—that I was told I was to be the next President of the NATO Parliamentary Assembly, a text appeared on my phone.

I wish to pause at this point to express my appreciation of the modern-day RAF and particularly of those responsible for the quick reaction alert Typhoon aircraft stationed at RAF Lossiemouth in Scotland, who stand ready to defend our airspace 24 hours a day, every day of the year. They have been called upon to do so with increasing regularity in recent years, as the Russians become more audacious in their incursions.

It is important not to let such an important anniversary go by without taking the time to reflect on it. The RAF has served the people of these islands with great distinction. It is right that we, as a United Kingdom, should be proud of them. That brings me to two of the great pioneers in the field of aviation, who lived, worked and did great things in Stirling: Captain Frank Barnwell and his brother Harold Barnwell, who were the British equivalent of the Wright brothers. They established the Grampian Engineering and Motor Company works in Causewayhead in Stirling in 1907, at the foot of the Wallace monument, where they achieved the first powered flight in Scotland. It was very similar to the experience described by my hon. and gallant Friend the Member for Aldershot (Leo Docherty). The brothers were in fact Londoners who became great Scottish pioneers—a fitting symbol of the great Union between Scotland and England.

Harold tragically lost his life while testing an aircraft during the first world war, and Frank served his country for many years, gaining the Air Force Cross in 1918.
Frank’s three sons all served in the RAF during the second world war, and tragically all three were killed during the battle of Britain or shortly thereafter. I would like to mention their names for the record. They were: Pilot Officer David Usher Barnwell DFC, RAFVR, of 607 Squadron, who died aged 19 on 14 October 1941; Flight Lieutenant Richard Antony Barnwell, of 102 Squadron, who died aged 24 on 29 October 1940; and Pilot Officer John Sandes Barnwell, of 29 Squadron, who died aged 20 on 19 June 1940.

That capacity for service exemplifies so much about the Royal Air Force, and about how bravely those early aviators took to the skies in defence of their families, their communities and their country. That is the type of service that the Royal Air Force has given us as a nation, and we know that we can rely on its vigilance in the skies above us to protect and defend us.

Stirling has a proud connection with the Royal Air Force. The RAF had its Scottish headquarters in Stirling. In fact, the RAF command for Scotland based itself in the Station hotel for the first five years of its operation. The record does not show which part of the hotel was occupied. The hotel was demolished many years ago and the site is now occupied by a branch of the Clydesdale bank and a McDonald’s.

There is a memorial to the establishment of the RAF in the field under Stirling castle, where the planes took off and landed in the early days. In fact, it was noted by RAF officers at the time that Stirling had much to commend itself as an airfield, if only the castle rock was not in the way. Given that the Army was already entrenched in Stirling with its headquarters, it is quite possible that some early rivalries were at play, but thankfully the castle and the rock upon which it sits were never removed—that would have been quite a feat, even for our armed forces.

Stirling maintains its connection with the Royal Air Force to this day. In 2005, 43 Fighter Squadron was given the freedom of Stirling and paraded through the city. The “fighting cocks,” as they are commonly known, were the first RAF squadron to be given such an honour by a British city. They were stood down in 2009.

The battle honours on the standard held in the church of the Holy Rude in Stirling are a testament to the sacrifice of 43 Squadron, which served on the western front, 1917-18; Ypres, 1917; the Somme, 1918; Dunkirk and the battle of Britain, 1940; north Africa, 1942-43; and Anzio, France and Germany, 1944.

We should be proud of our history, and in Stirling we are—we honour the Royal Air Force and our connection with it. The RAF must be resourced to continue to serve our United Kingdom well into the future. The term “futureproofed” was used earlier, and it is a good measure against which to judge the investment we make in our air and space defences.

Richard Graham: My hon. Friend is kind in giving way. On the future of the RAF, does he agree with me—I speak with some interest, because I was once a cadet pilot in the Oxford University air squadron—that the university air squadrons have an important role to play in training both future RAF pilots and future champions of the RAF?

Stephen Kerr: I completely agree with my hon. Friend, and I thank him for his intervention.

I conclude by simply saying that I believe we can count on the Royal Air Force, and on the men and women who serve in the uniform of the Royal Air Force, to continue to serve our nation, and the wider world, both in times of conflict and in providing humanitarian relief throughout the world.

8.30 pm

Seema Malhotra (Fulham and Heston) (Lab/Co-op): I am honoured to speak for a few minutes in tonight’s important debate marking the 100-year anniversary of the Royal Air Force. I am humbled to follow such incredible speeches, particularly the speech of my hon. Friend the Member for Bridgend (Mrs Moon).

I have a few words to say about my constituency link with the Royal Air Force’s history. As we all know, the Royal Air Force is the oldest independent air force in the world, and it has a significant place in British military history.

The Royal Air Force actually celebrated its 100th birthday earlier this year, and it has marked that occasion throughout the year with a series of events, the centrepiece being the centenary service in Westminster Abbey, the parade on the Mall and the flypast over Buckingham Palace. Those events were followed by many people in my constituency of Feltham and Heston, many of whom have their own connection, but the constituency also has a connection with the development and growth of the Air Force.

My constituency has played an important role, with Hanworth air park having been a hub for the Air Ministry. It was also home to Whitehead Aircraft Ltd, which was contracted to make more than 820 Sopwith Pups and 500 Airco DH9 bombers. Some of that history is now being brought to light—we have not really known about it or talked about it for a long time—because of local residents who are keen to bring out that history, some of which has been unearthed by the exploration of what happened during the first world war, the centenary of which is also being marked this year.

I pay tribute to local historians Eddie Menday, Roger Cowing and others from the Feltham history group, and also to Katy Cox and Richard Griffiths who have done an amazing job as Friends of Hanworth Park House and who recently supported a play organised by Terri Creaser and others in my constituency link with the Royal Air Force’s history. As we all know, the Royal Air Force actually celebrated its 100th birthday earlier this year, and it has marked that occasion throughout the year with a series of events, the centrepiece being the centenary service in Westminster Abbey, the parade on the Mall and the flypast over Buckingham Palace. Those events were followed by many people in my constituency of Feltham and Heston, many of whom have their own connection, but the constituency also has a connection with the development and growth of the Air Force.

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shoes to fill and a great sense of history and pride, and they are now the future. I pay tribute to the Secretary of State's speech, which focused on the future. That is an important part of what we do as we mark the history—we not only recognise, but encourage and engage people to understand and appreciate the sense of purpose and patriotism that comes with serving our country in such a way.

Let me say a few more words about Hanworth and its contribution. Hanworth Park became known as the London air park in 1917. Aircraft were tested there before being accepted and a flying school was developed there where pilots could be trained. On 8 August 1915, the mothers of sailors, soldiers and servicemen gathered in Hanworth for their very own mothers day, which was a celebration of the mothers of those serving in the war, with prizes, food and a special aircraft display. I understand that that was the start of mothers day as we know it today.

The first air ambulance, named “Florence Nightingale”, was christened in Hanworth in 1936 by female aviator Amy Johnson. The pilot Lettice Curtis flew a Mk.1 Hurricane to Hanworth before it was converted into a Sea Hurricane. The park is now largely a public space, containing Hanworth Air Park leisure centre, where I was quite good at squash in my younger days, and a library, which is used by many of my constituents. The park’s history should not be forgotten. I am proud that it is still home to a flying club for those who are interested in flying model aircraft and staying connected to our history and to what is an important hobby. So I am proud of the role of the people of Feltham and Heston in the formation and development of the RAF.

Before I conclude, I wish to make a couple of points that I made to the Secretary of State earlier about the resources in place now. He mentioned that there may be some more up-to-date data on the last month or so but, according to the Library briefing, the full-time trained strength of the RAF is currently 30,070, which is a deficit of 6.4% on the target of 31,750 that was set out in the 2015 strategic defence and security review for 2020. In addition, only 41% of RAF personnel described themselves as “satisfied” with service life in general, and only 32% reported having high morale in the most recent armed forces continuous attitudes survey. I know that there will be other data and figures to look at, but it is important to recognise that morale; the pressures of change, which can also have an impact on morale; the retraining that may be needed and the support for that; and the impact that low morale can also have on the families of those who are serving, are important issues. It is important for us to keep them in mind as we both prepare better for defence and combat in the future.

On behalf of all my constituents, I am very proud to be able to be here to pay tribute to all the pilots and RAF staff who served to defend the UK. We owe them all the deepest of thanks.

8.39 pm

Bob Stewart (Beckenham) (Con): I had better declare an interest: I am an honourable companion of the RAF Regiment officers’ dinner club. I was brought up in the RAF, so I have a real soft spot for it and particularly for the RAF Regiment, of which my father was an officer. I am going to talk about the RAF Regiment, because only right lion. Friend the Secretary of State awarded the rock apes—which is what they are called colloquially because one shot another on a shooting expedition and said, “I thought it was a rock ape.”

The rock apes—the RAF Regiment—were formed on 1 February 1942. They had come from various armoured car squadrons—Nos. 1, 2 and 3, which had beautiful Rolls-Royce armoured vehicles—but fundamentally they were to become the infantry of the RAF. They were there to protect the RAF’s assets—the aeroplanes, the personnel and the airfields—and they did that spectacularly well. During the second world war, their numbers grew to 80,000. They operated in all theatres and took part in many battles, perhaps the most famous of which, from their point of view, was Meiktila, where in an area of 900 square metres in the middle of the Burmese jungle, a handful of RAF personnel, with Army personnel and Americans, held off the Japanese for three weeks. Each morning, they had to clear the Japanese from out of their lines. That is a battle honour of which the RAF Regiment is rightly proud.

RAF Regiment personnel were always up front, either directing aircraft for strikes or looking for airfields so that they could keep the momentum going for the ground forces, and that is what they did. Indeed, RAF Regiment personnel were among the first people into Paris and Brussels—nothing to do with the bars, I suspect. They also took over something like 16 airfields in north-west Germany very quickly. Squadron Leader Mark Hobden of the RAF Regiment captured Grand Admiral Doenitz, who was going to be Hitler’s successor. I knew Mark Hobden—he was my father’s commanding officer at one stage—and it was a real honour to meet him.

This is kept too quiet, really, but during the 1950s, the RAF Regiment operated a force called the Aden Protectorate Levies in a country that is now called Yemen. The force was based in Aden, and my father and fellow officers, warrant officers and senior non-commissioned officers of the RAF Regiment operated in the Aden Protectorate Levies. The force saw huge active service—so much so that at one stage the RAF Regiment was the most decorated regiment in the British service.

Let me give an example. On 15 June 1955, some 100 Aden Protectorate Levies personnel mounted in three Land Rovers and nine trucks moved into a wadi south of Fort Robat. Despite a little bit of sniping, the convoy got through to the fort, delivered its supplies to the people there and turned to come back. The personnel started back at 1.30 pm, by which time the local terrorist commander Salem Ali Mawer—a Houthi, by the way—was ready for them. Within a few minutes, the force of 100 people was heavily engaged from the sheer slopes of the wadi. Almost immediately, a young British RAF Regiment officer was killed, and so was an Arab soldier. Several others were wounded.

The commanding officer, Wing Commander Rodney Marshall, ordered my father, a squadron leader, to evacuate the wounded. My father did that. He took them down in a truck, all the way down the wadi—about 2 miles—but then some retreating soldiers, coming out of the wadi, said, “There are no officers left. The commanding officer is dead.” My father knew that he
had to go back into the ambush to get everyone out. Meanwhile, in Aden, signals were coming back and I, as a little boy, with my mother, was told by the padre that my father was dead. The story was that all the officers had gone. What happened was this: the senior Arab officer and the commanding officer were killed. In total, eight people were killed, and another eight were wounded. My father received the Military Cross, as did, posthumously, Rodney Marshall, and the senior Arab officer.

I will just read a little bit from the citation in the London Gazette about my father after he learned that the commanding officer had been killed.

“Squadron Leader Stewart assumed command of the Force and immediately organised the volunteer party. He led them back into the area which was under heavy and accurate fire, in an attempt to recover the dead bodies and wounded. Unable to locate the dead body of the Wing Commander, he recovered a three ton vehicle which contained a dead guard and had one tyre deflated by rifle fire. He personally drove the damaged truck back under fire, twice stopping to pick up wounded. More casualties were inflicted during the return passage through the Wadi. In all there were eight killed and seven wounded. Having assumed command of the Force he moved it tactically to an emergency airstrip and organised the evacuation of the most seriously wounded. Sniping ensued during this evacuation and hostile and accurate fire was encountered.”

That is typical of the RAF Regiment. It is a superb, outstandingly professional force and a joy to be with. I often, every year, have dinner with them in the RAF Club.

Richard Graham: My hon. and gallant Friend has made a remarkable tribute to his father in the RAF Regiment. Will he allow me just to mention my step grandfather who fought in the first war with the Royal Flying Corps and was then seconded to the fledgling Estonian air force to be its chief flying instructor for some years? When he died in the 1980s, he said to me that his only regret was that three countries that he knew well—all three of the Baltic States—no longer existed. Times have changed, fortunately.

Bob Stewart: It is a lovely time to remember our families and to attune that with the history of the RAF.

Let me bring the House up to date. In Iraq, five RAF Regiment personnel were killed. Actually, I was present when three of them were killed because I was doing a film. I was cowering in a bathroom when the rockets came in and three RAF Regiment personnel were killed. Therefore, five were killed in Iraq and five more were killed in Afghanistan. These people are right on the frontline, and the RAF realises that. Three Military Crosses were awarded in Afghanistan and Iraq, which is pretty good for such a small number of squadrons.

I hope that I have highlighted, in the short time I have spoken, what a wonderful force the RAF Regiment is, how vital it is to this country, particularly to the Royal Air Force, and how it has a huge part in the future of the Royal Air Force.

I will finish by congratulating the RAF Regiment. The RAF may be 100, but the RAF Regiment, such a crucial part of the RAF, is 76, so well done the RAF Regiment.

8.49 pm

Martin Whitfield (East Lothian) (Lab): It is a great pleasure to follow the hon. and gallant Member for Beckenham (Bob Stewart). I congratulate him on his excellent tribute to his father and the RAF Regiment; I would say 76 not out—still going.

We find ourselves celebrating 100 years of the RAF, and the men and women who have served to defend this country and our freedom. As we have heard today, the RAF also brings aid and assistance to those in urgent need all around the globe, and takes what is best about this country out to people who are suffering.

I remind the House of the RAF100 celebrations, when a specially designed baton was taken to 100 places associated with the RAF around the UK and overseas for 100 days. That included celebrations in my constituency of East Lothian. East Lothian plays a vital part in the history of the RAF, so it is appropriate that I stand today to remember those from East Lothian who served with the RAF since its founding years. I sincerely hope that there are Members in this House who are aware of East Fortune airfield in East Lothian. The airfield was used from 1918 to 1920, and then again in world war two from 1940 to 1947, when it operated first as a flying training establishment and eventually became the station for a group of de Havilland Mosquito aircraft.

There were also airfields at Macmerry and Drem, which were vital to the RAF during world war two. This is particularly true of RAF Drem, which was the most active fighter station during the war. It was the defence fighter unit for the city of Edinburgh and the shipping area around the Forth, providing first line cover for the city, the Forth bridge and the very important naval base at Rosyth. These three stations brought many RAF personnel to East Lothian and many stayed after the conflicts to bring up their families and become part of the community, so the RAF is closely intertwined with our local history.

East Fortune is now part of the National Museum of Scotland and is one of the best preserved wartime airfields from the first world war across the world. The museum has plans for a sympathetic extension next year to better tell the story of flight in Scotland and around the world, and—more importantly—to tell the history of the RAF. I give credit to the right hon. Member for New Forest East (Dr Lewis) for reminding me of the Vulcan bomber, because the Vulcan bomber that took part in the Falklands conflict and spent some of its time sitting in Brazil is now resident at the airfield, and can be visited and touched by young children.

That brings me to one of the really important things about the RAF. As has been said today, it is one of the largest employers of apprentices, but the RAF and those aeroplanes also spell an imagination and a charge to children who see them, and give them a drive for future learning. We have spent this year of Engineering seeking to inspire both boys and girls to a future in technology and mechanics, and the RAF does that day in, day out with fly-bys, visits and more.

John Howell (Henley) (Con): Does the hon. Gentleman agree that that technology can be seen today in the helicopter fleets, particularly in the way in which the Puma has been used in the Caribbean to tackle the problems that arose from the hurricane? That technology is inspiring apprentices all the way through.

Martin Whitfield: Indeed, the multifaceted skills and techniques in the machinery and in the individuals who make up the RAF do inspire and save. To use an old
phrase, the RAF is one of the greatest ambassadors that this country has at times like that of the recent hurricane.

Time is quite tight, so I will use my small conclusion to make mention of one local group, the Aviation Preservation Society of Scotland, which personifies all the elements of the RAF that are so important. Over 17 years, the volunteers of the APSS have undertaken to build a replica Sopwith 1½ Strutter biplane. They have used original plans and materials, investing thousands of hours’ work to recreate a flying replica of this world war one plane. The volunteers, many of whom come from the RAF and the aviation industry in and around Edinburgh, have worked without grumble—but with plenty of tea and a lot of huddling around heaters in freezing cold warehouses—to bring this aeroplane to life. In doing so, they have done something much more: they have forged a friendship and a bond. They have given each other support that has generally been good. Their interconnection with each other shows what the RAF does when men and women are serving with it: they act as a family.

The Secretary of State and other right hon. and hon. Members have mentioned the duty that we owe these people with regard to their wellbeing and health. It is imperative that we remember this, because while they serve with the RAF, in whatever job, from the very smallest of opening the doors for someone, all the way through to those at the top—everyone puts pilots at the top, but I think there are others with equal right to claim superiority—they find they have the support they need. It is important that as they move out of the RAF and into other industries, we find a way to offer that support into the future.

Richard Graham: I am very impressed by what the hon. Gentleman said about his volunteers on the Sopwith Camel in East Lothian. This would be a good moment also to remember the amazing volunteers at the Jet Age Museum just outside Gloucester, who have recreated a Typhoon at the moment. If he ever has a chance to visit, I would be very happy to take him round.

Martin Whitfield: I am very grateful for the invite. I am very happy to take him round.

Kevin Foster (Torbay) (Con): It is a pleasure to speak in this debate. It is particularly welcome to have this debate today because someone with very strong links to my constituency celebrated his 97th birthday yesterday—Johnny Johnson, the last surviving British Dambuster. Many will know him for his bravery, along with that of his 617 Squadron comrades, in 1943. After the war, he lived in Torbay for many years. He became a councillor for a period of time. He was also the chairman of Torbay Conservative Association at the time of the Maastricht votes, so he had a very interesting time and had some wonderful tales he could still tell many years later, particularly when he did a TV interview about why the then Member for Torbay had not attended one rather crucial vote. I must tell my chairman that he need have no worries about me this time.

The RAF had a very big impact on Torbay, particularly during the war. Many of our hotels were requisitioned to become RAF hospitals, including the Palace hotel, where I had my wedding reception. That hotel operated as an RAF hospital until it was bombed in 1942, with a number of service people being killed in the raid. Many people developed an abiding link with Torquay—and with Torbay, in particular, due to the time they had spent there recovering from their injuries of war.

That link with the RAF continues today. We have the Royal Air Forces Association club in the heart of Torquay, with Steve Colhoun as branch chairman and Linda Tombs as branch secretary. It is extremely active in supporting the veterans community and acting as a champion for the RAF by encouraging people to think about it as a career. We have a thriving air cadet corps. The 200 Torquay Squadron of the Air Training Corps is a vibrant branch. We see it at every Armistice event, and it is out there making a real difference in the local community. The air cadets are not just a recruiting arm of the RAF; they teach the RAF’s ethos to so many young people, to give them success in whatever career they choose—although we particularly welcome it when people decide that they want to carry on wearing light blue for a much longer period. I pay particular tribute to the squadron’s commanding officer, Michael Gormley.

It was great to see the RAF in action when I spent a year in the armed forces parliamentary scheme. I saw a whole range of things, from Fylingdales, where RAF personnel are on permanent watch as part of the ballistic missile warning system, to Akrotiri, whose RAF forces have been critical in helping Dutch: The 84 Squadron, a helicopter squadron, is also based at Akrotiri.

We all know about the divide of Cyprus and the very difficult situation there, which we hope one day will be resolved by peace talks and negotiations. I saw something quite telling there about the role the RAF plays. In the squadron’s mess room, there were two letters on the noticeboard: one from the Greek Cypriot authorities,
It is great to have this opportunity to reflect on the last 100 years of the RAF, even if it is a relatively brief chance to do so. This force not only served our nation with great distinction in 1940 but continues to do so today. A whole new generation of children and young people from Torbay will hopefully look towards it as part of their future—a future that will not depend on someone's gender, now that the services have completely opened up all roles to men and women. It has been a pleasure to talk about the phenomenal contribution of the RAF in the past, the present and the future.

9.3 pm

**Jim Shannon** (Strangford) (DUP): It is a pleasure to follow the hon. Member for Torbay (Kevin Foster), as I do on a regular basis; I am always glad to hear his careful comments. It is an honour to speak on this momentous occasion, and it is great to follow such incredible and emotive speeches from right hon. and hon. and gallant Members, who, with their knowledge, make a fantastic contribution to these debates.

I take this opportunity, as others have, to begin by thanking every serving, retired and former member of the RAF. We thank you for your service and sacrifice. The sacrifice was great when the RAF was formed. We all know Winston Churchill's wonderful grasp of the English language, which is much better than mine will ever be; I often quote him in this House because of his grasp of the English language. He noted in this hallowed Chamber that

“the ‘Battle of France’ is over. I expect that the battle of Britain is about to begin.”—[Official Report, 18 June 1940; Vol. 362, c. 60.]

This was fought and won by a fledgling Air Force. We always admire his inspirational words:

“Never...was so much owed by so many to so few.”—[Official Report, 20 August 1940; Vol. 364, c. 1167.]

In those few words, he wonderfully summed up exactly what the battle of Britain was about, with young men giving their lives with regularity at that time.

As I said earlier to the Secretary of State about the RAF cadets, we have very active RAF cadets in Northern Ireland, particularly in Newtownards in my constituency. It is good to know that what they do there may be the beginnings of a career in the RAF, and many have walked out of Regent House and gone on to serve in the RAF. We are also very aware that many have joined the Army and many have joined the Navy as well, so the cadets are very active in my constituency.

May I thank those involved in the armed forces parliamentary scheme? The hon. Member for North Wiltshire (James Gray) is the chair of that group, Johnny Longbottom helps to keep the wheels turning, and we had Vasco from the RAF. When I look across the House, I see Members who have done that course, including the hon. Member for Copeland (Trudy Harrison) and others on the far side of the Chamber. I believe that every one of us learned so much from that RAF part of the armed forces parliamentary scheme, which was an absolute pleasure to be on. They brought it alive.

We were very privileged to have the opportunity to go to Akrotiri in Cyprus, but also to Gibraltar and on Operation Biloxi in Romania. The Secretary of State referred to Romania in his introduction. Having visited Operation Biloxi, it was incredible to see the relationship that the RAF has with the Romanian air force. When we saw those from the Romanian air force, its aeroplanes, let us be honest, were not of the most modern standard, but their energy, interest and commitment were incredible and equal to those from the RAF who were there as well. I just want to put on the record our thanks to them.

It is very nice to see the Secretary of State and the Minister for the Armed Forces in their places. If ever there was a tag team that works well, there it is. We are very pleased to see them both in their places and doing well. I say the same to the shadow Ministers, who have a deep interest in this subject matter, and we look forward to their contributions.

As a small boy, along with the many other things a young boy wants to do, I remember always wanting to be the driver of a train, to join the Royal Marines or to be in the Air Force. All those things go through your mind when you are under the age of 10, but then you suddenly find that you wear glasses, your eyesight is not too good and you know that your chances of joining the RAF are gone.

**Bob Stewart:** Did the hon. Gentleman ever have the delight of meeting Colonel Paddy Mayne, DSO three bars, who was from Newtownards?

**Jim Shannon:** No, I did not. I think he had just passed away at the time I was brought into this world.

**Bob Stewart:** I thought you were older than that.

**Jim Shannon:** No, no. I am not older than that. I am not quite sure how to respond to that, but I do know Paddy Mayne's history—I know it well. We have a statue of him in the square in Newtownards. I was on the council at that time, and I was able to be involved in that particular project. He is a son of Newtownards, and a terribly courageous person. His books are “Boys Own” books. If Members have not read the Blair Mayne story, I can tell them that he was the only man—not the only man, because there were probably others—who did not receive a VC. I would say that he should have had a VC, but we know that he unfortunately had a bit of a problem with authority sometimes, and with that...
came objections from those at a higher level. If we continue with our confidence and supply arrangement—we will see how that goes—it may yet happen. I have asked my guys to look into that posthumous VC for Blair Mayne. It is something I would be pleased to see.

Why was I interested in the RAF as a small child? It was because there was an RAF squadron base only a few miles from where I lived, RAF Ballyhalbert, and obviously there was the one at Newtownards as well. Today, only the runway lighting and the control tower remain at Ballyhalbert. The stories and the legends were well known and fed many a young man’s dreams of service for Queen and country and the open skies. I did not serve in the RAF, but I was pleased to serve in the Ulster Defence Regiment and the Royal Artillery for 14 and a half years. The RAF has a squadron at Newtownards airport, as well, and there is a strong history of service in the RAF, the Army and the Royal Navy in my constituency.

My hon. Friend the Member for South Antrim (Paul Girvan) was here earlier, and there is a base at Aldergrove in his constituency. The Secretary of State referred earlier to 28 bases across Northern Ireland, but I think we should round it up to 30. That is probably about right. It is something we are all very proud of. We are also very proud of Shorts, as it was known before it became Shorts Bombardier, which built the planes in Newtownards. On the plane over today I read in the Belfast Telegraph about Joe Hendron, the SDLP MP for West Belfast, who told the story of when he was a young boy during the bombings in Belfast and how when he was about to leave the bombs were falling. It is a coincidence that his story was in the paper today.

Ballyhalbert opened provisionally in May 1941 as an RAF Fighter Command base and officially on 28 June of the same year. The primary weapon was the Supermarine Spitfire. A few weeks ago, we had a ceremony in Newtownards, but I will come to that in a second. Suffice it to say that everyone is captivated by Spitfires. A few weeks ago, we had a ceremony in Newtownards, but I will come to that in a second. Suffice it to say that everyone is captivated by Spitfires.

The base provided local protection from Luftwaffe raids on Belfast and the rest of the Province. I understand that Ballyhalbert was the seventh-most bombed city in the whole of the UK. Other aircraft operated from the base: the Hawker Hurricane, the Bristol Beaufighter, the North American P-51 Mustang and the Boulton Paul Defiant night fighter. Many fighter planes were active there.

During its lifetime, Ballyhalbert was home to personnel of the RAF, the Women’s Auxiliary Air Force, the British Army, the Royal Navy and the United States Army Air Forces, and servicemen from Australia, New Zealand, Canada and Poland also saw duty there and at Newtownards. By the summer of 1941, RAF fighter group No. 82 had become operational, with exclusive responsibility for the defence of Northern Ireland, and its group headquarters was at Stormont. The bunker at Kircubbin, just down from where I live in the Ards peninsula, was the operations room for the Belfast sector, but there is speculation that it was designed to accommodate last ditch defence requirements in the event that Great Britain had been invaded and Westminster had ceased to be the seat of government—that did not happen, thank goodness.

In October 1942, No. 82 group was abolished and the then Senate Chamber at Stormont, now the Northern Ireland Assembly, became the location of the headquarters of the RAF in Northern Ireland. All operational personnel, including those who had been at Kircubbin from the outset, were transferred to Stormont and the sector operations rooms at Kircubbin closed. The Stormont facility was operational until the end of the war.

If right hon. and hon. Members get the opportunity to go to the Northern Ireland Assembly and enjoy one of the tours, they will get the history of Stormont. At the time of the second world war, it was a very big white building, so it was covered in tar, cow manure and grass to make it blend in. With the main driveway up to Stormont and the two arrows—two roads—coming off it, it looked like a bombing run for the Luftwaffe, so it was important to camouflage it. After the war, German prisoners were given the task of removing the tar, cow manure and grass. I am not sure which was longer, their time in prison or the time it took them to take all that off, but I know one thing: it is a marvellous history for the people there.

The Senate Chamber, too, had an important to play in the story of the RAF. It was used as a war room, and anyone who has the opportunity to tour beautiful historic Stormont should take it, as footage of the Chamber being used as a war room will be there. Northern Ireland also had a significant role during the second world war in that it was Catalinas and Sunderlands flying out of Fermanagh that spotted the Bismarck on the west coast of Ireland. The cat-and-mouse operation in the Atlantic to catch the Bismarck went on for some time, and we played a small role in that.

The week before last, at our cenotaph and memorial garden in the main town of Newtownards, my local borough council unveiled a memorial to the Polish pilots. We have had strong contact with Polish pilots, to whom the hon. Member for Bridgend (Mrs Moon) referred, and we are particularly proud of that. They were stationed at Ballyhalbert and Newtownards. The unveiling was attended by Air Vice Marshal David Niven, who retired just last week. He spoke eloquently about the necessary involvement of Polish expertise and experience, saying that the battle of Britain might have ended differently had it not been for the close co-operation of the Polish men, who left all they knew and gave their all to halt Nazi Germany during the second world war. Some of the pilots who came to Ballyhalbert and Newtownards flew their planes from Poland to the UK and some made their way by other means.

The Polish pilots played a significant role in my constituency, and we recognised that through that memorial. Some of them settled with their families in the Ards peninsula, such as the Denkoskis and the father of my constituent Vanda Henderson. We have a lot of thanks to give to those Polish men and women, and the memorial at Ards is a token of recognition of their great sacrifice.

We owe a great debt to our incredible RAF, which in the second world war and every conflict since has shone as a beacon and inspired new generations, including the RAF Air Cadets at Regent House School, to wish to serve their Queen and country in the open skies. Our freedom always comes at a great cost, and we are eternally thankful for the formation of the Royal Air Force, and eternally grateful to every person who wore its uniform and those who wear it today.
Robert Courts (Witney) (Con): It is always an honour to speak in this House. It is humbling, too, especially on a day such as this, when we have heard so many extraordinary speeches from hon. Members and hon. and gallant Members in all parts of the House. I am grateful to follow the hon. Member for Strangford (Jim Shannon), who quoted Winston Churchill. I have the honour to live in the village in which Churchill is buried. Churchill famously spoke of “the few”, and we tend to think of the few in 1940 as fighter pilots, but of course Churchill was at pains to point out that he was also referring to bomber crew. That is where I first became interested in the Royal Air Force.

When I was young, I became aware that my grandfather had done something remarkable during the war. He, typical of that golden generation, vehemently denied that he had done anything remarkable at all, but he was a navigator on Wellington bombers in 1940 and 1941. While the few in the fighter squadrons were defending this country above our heads, he was taking his Wellington bomber to bomb invasion barges on the Channel coasts, and he later took his bomber to the first raid on Berlin—a raid that caused little military damage, but did cause Hitler to switch Luftwaffe attacks from Fighter Command’s airfields. It was the brave men of the air defence fighter squadrons which gave Fighter Command the space it needed to get back to full strength.

Lest we think of the Bomber Command of later years of the war, with 1,000 bomber raids and bomber streams, let me remind the House that in the early days of the war, when my grandfather was going off in his Wellington, the bombers went off alone, as single aircraft, albeit in a squadron, which was strung out over many miles, so that in the event of attack from night fighters or ack-ack, they were alone. We should all think about the particular kind of psychological courage it took to take the battle to rampant evil in the freezing skies over occupied Europe.

Later in the war, my grandfather was reinforced by his brother, my great uncle, who flew as a bombardier in Lancasters in No. 5 Group, which was involved in special operations—U-boat pens and the like. They were known as the bomber brothers. Their influence was strong in the early years of my life, as I became aware of what they had achieved. Superlatives are thrown around quite easily in this place, but there is a reason why we come back to 1940. The Royal Air Force has achieved extraordinary things during the past 100 years, but it is impossible to exaggerate the importance of what it achieved in the second world war. It really did, along with many others, save the world at the moment of its greatest threat, particularly in 1940, and keep democracy alive for us all.

Hearing had that family interest, I now have the enormous honour of representing Royal Air Force Brize Norton in my constituency. No speech I make about the Air Force in this House would be complete if I did not mention RAF Brize Norton. It is commanded by new station commander Dan James. It is quite simply the pride and joy of west Oxfordshire. It is the very best of our country and our county. Everything that the RAF does is made possible by RAF Brize Norton. Nothing would happen without it, but luckily it makes everything happen. In Operation Ruman, for example, the A400Ms took part in vital humanitarian work. That was only possible because RAF Brize Norton was able to respond highly efficiently at late notice and with high speed.

The Typhoons taking off from RAF Lossiemouth or RAF Coningsby to tackle the Russians as they probe our air defences are refuelled by Voyagers from 10 Squadron or 101 Squadron at RAF Brize Norton. The Secretary of State, in his opening speech, kindly referred to global reach. The only global reach in Europe is provided by the C-17s from 99 Squadron at RAF Brize Norton. NATO air policing in eastern Europe is resupplied by the Hercules, the C-17s or the A400Ms from RAF Brize Norton. The aircraft taking the battle to Daesh are also supplied by those same transport aircraft and are refuelled and tanked en route by the Voyagers from RAF Brize Norton.

I apologise to the House—actually, on one level I do not apologise—for making quite clear exactly what the Royal Air Force does and what RAF Brize Norton does to facilitate everything it does.

Bob Stewart: I think that I am right in saying that my hon. Friend has omitted one element of RAF Brize Norton: the parachute jump instructors of the RAF are there, too. I seem to recall that I had to jump out of an aeroplane from Brize Norton 50 years ago.

Robert Courts: My hon. Friend is correct. I gave way to him out of deference, but I was about to mention the military training that takes place at RAF Brize Norton. We always think of the RAF Falcons, the wonderful display team, but everybody who learns to parachute jump in the British military will do so at the parachute training school in Brize Norton. The Airborne Delivery Wing supplies all the aerial drops. I thought my hon. Friend was going to admonish me for not having mentioned the Royal Air Force Regiment. We have 2 Squadron, which has just come in recently. It is also assisted by some of the auxiliary services as well.

I will not trouble the House for much longer, as I know other Members wish to speak, but there are two or three other things I would like to mention very quickly. First, I have talked a lot about units and aircraft, but let us not forget that it is the people who make the Royal Air Force work. That was as true in the past as it is today. We have a number of excellent auxiliary Air Force units at Brize Norton in pretty much every trade that can be imagined: movements, regiment, air crew and aeromedical. These people give up their free time to train, travel and serve at weekends and during their time off. They really make the modern Air Force work, particularly with the whole-force concept.

The second thing is air cadets. We have three excellent units in west Oxfordshire—at Brize Norton, Witney and Chipping Norton—who are enthusing for the future, particularly in introducing the concept of STEM skills, which we have talked about a great deal in the debate.

Lastly, looking to the future, I am very grateful to the Secretary of State for bringing forward the combat air strategy, which I pressed for and which I welcome warmly and wholeheartedly. Perhaps in due course he can give us an update about the progress on that, and I am thinking particularly of national partners. We have talked in the past—this has been trailed in the press—about the possible involvement of Japan, Sweden, obviously the Americans, and others. While I am talking about the combat air strategy, I press him to start thinking about helicopters. If we start thinking about helicopters in the future, we need to think about all aircraft types, and of course, I have to think about transport as well as fast jets.
I am grateful for the time that the House has given me. The Royal Air Force has had an incredible 100 years, but those proud years are only to be succeeded by even prouder years.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): It is an honour to speak in this debate to commemorate 100 years of the RAF. Like many hon. and right hon. Members, I have some RAF history, in that my dad’s father served during the second world war in RAF Middleton St George and RAF Cropthorne near Durham. In my constituency, I am lucky to have not one or two, but three RAF bases: RAF Barkston Heath, RAF Cranwell and RAF Digby. Lincolnshire has a very proud military history, and Waddington, Coningsby and Syerston are just over the borders of my constituency.

RAF Barkston Heath provides an elementary training facility. We have heard how the RAF started its life here in the House, but my hon. Friend the Member for South West Wiltshire (Dr Murrison) spoke about how it had been drawn from the Navy and the Army. In fact, Barkston Heath is where the Royal Navy and Army air squadrons learn their basic flying training. The Secretary of State talked about the future of the air force. I was pleased to see that the investment in the new aircraft—the Grob Tutor being replaced by the Prefect—is providing modern technologies to ensure that the pilots of tomorrow have the best possible learning experiences.

RAF Cranwell is—I contend to my hon. Friend the Member for Witney (Robert Courts)—the most famous RAF base in the country. It, too, started its life as a Navy base—as Royal Navy Air Station Daedalus—on 1 April 1916 before it was turned into RAF Cranwell on 5 February 1920 by Sir Hugh Trenchard when the RAF was formed. The future of RAF Cranwell, like the future of RAF Barkston Heath, is very strong. Currently, RAF Cranwell does officer training, so all the officers become officers at RAF College Cranwell, but in the future, all service personnel of whatever rank will begin their training at RAF Cranwell and receive all their basic training there. There is also fixed-wing flying training, and it has a strong medical link. Recently, a g-force centrifuge has been built—a very high-tech piece of equipment—so that pilots can experience g-force on the ground and practise the skills that they need to help them to retain consciousness while they are under g-force. The RAF Centre of Aviation Medicine will also follow to Cranwell in the future.

Finally, we have RAF Digby, which is one of the oldest RAF bases in the country and is home of the Joint Forces Intelligence Group of Joint Forces Command, which I visited a few weeks ago.

I took part in the armed forces parliamentary scheme, and I would like to thank my hon. Friend the Member for North Wiltshire (James Gray), who champions and organises the scheme, along with Lieutenant Colonel Longbottom, Wing Commander Smith—mentioned as “Vasco” earlier—and Mr Fico. This has been one of the most amazing experiences for me. I came into Parliament with a general public-level knowledge of the RAF, and representing a constituency with such a proud military history and three RAF bases, it was very important for me to learn as much as I could, as quickly as I could, about the RAF. The AFPS has greatly facilitated that.

I have visited the bases around my constituency, but also others around the country, including Valley, Benson, Brize Norton and Shrivenham, where we learnt about how all the forces work together. I have visited Waddington, Coningsby, Marham—to see the new F-35—and Honington. We also travelled to the Falklands and Cyprus, and visited the air policing mission in Romania. I will not say more about those visits, because I am aware of time and the fact that others wish to speak.

Another visit that we made was to RAF Scampton, to see the Red Arrows. What a fabulous experience that is! Like other residents of Lincolnshire, I am often lucky enough to see them practising their loops, twirls, and other tricks over our home and from the car as we drive around the county. I urge the Secretary of State to ensure that the Red Arrows remain in Lincolnshire even if Scampton is closed. As part of the RAF100 celebrations, they came to London along with all the other aircraft and made a spectacular display in the sky.

Lincolnshire has had its own way of commemorating the centenary, however, on both a large and a small scale. For instance, the International Bomber Command Centre has opened on Canwick Hill, in my constituency. It overlooks Lincoln Cathedral, which the pilots would have used to help them to fly back home. Its education centre, the Chadwick Centre, is named after Roy Chadwick, the designer of the Lancaster bomber. It has collected more than 1,200 personal experiences, so that in the future people will be able to learn about what happened during the second world war. A memorial spire is encircled by walls carrying the names of the 57,871 who gave their lives as part of Bomber Command, or in support of it. It is a very moving tribute.

There is also the Bomber County Gateway Trust. A project that is currently in progress is the building of a fully sized Lancaster bomber at the side of the A46, so that people who drive into Lincolnshire will be immediately aware of time and the fact that others wish to speak.

Today’s debate has given us an opportunity to commemorate the sacrifices and hard work of the servicemen and women who have gone before, to thank the servicemen and women of today and to think about the future. There have been 100 years of the RAF, but, as many other Members have said, the next 100 will be just as good, if not better.

Jeremy Lefroy (Stafford) (Con): It is a great honour to follow my hon. Friend the Member for Sleaford and North Hykeham (Dr Johnson).

Stafford has been a centre for the RAF for 80 years. It was in 1938-39 that 16 MU, a maintenance unit, moved to the newly constructed RAF Stafford. It remained there for many decades, until the RAF base became a Ministry of Defence base in the mid-2000s. But we still have a strong RAF presence through the tactical supply
wing, which is based at MOD Stafford. That wing goes all over the world to refuel rotary-wing helicopters—whether in the Falklands, Cyprus or Kenya, where I came across it a few years ago in Nanyuki on a training exercise with the armed forces parliamentary scheme.

I pay tribute to the Royal Air Force for all it has done for Stafford over so many years. We are greatly honoured to have large numbers of former and current RAF service personnel in my constituency. There are, of course, some other connections. There are airfields at Hixon and at Seighford, which was a back-up base for Wellington bombers during the war. Those airfields are no longer in use, although Seighford is still used for gliding. Of course, we also have the RAF Museum reserve collection, which I and the Secretary of State for Defence had a wonderful visit to. We saw such things as Douglas Bader’s artificial legs and Lawrence of Arabia’s record collection from when he served as an aircraftsman in the RAF. I hope that some of the exhibits can be put on public display. They are very well looked after in my constituency, but it would be nice for more people to see them.

I would like to conclude with a personal recollection of reminiscence. My grandfather, Benjamin Lefroy, was a Canadianborn in Vernon, British Columbia. He was in 43 Squadron, which my hon. Friend the Member for Stirling (Stephen Kerr) mentioned, when the RAF was founded 100 years ago. He joined the Army and then the Royal Flying Corps, and then became a Sopwith Camel pilot in 43 Squadron.

On the first day of the battle of Amiens, the RAF, as the RFC had become, was trying to knock out bridges near Peronne. The RAF lost 60 aircraft that day, 8 August 1918—an astonishing rate of loss that shows just how much they were in a ground attack role; they were very exposed to enemy fire—and one of them was my grandfather’s. He later wrote—this is in the history of 43 Squadron and I am grateful to my step-uncle, Bob Lefroy, for some of this:

“I had done my work for the day, two sorties, and was reading my mail in the mess. An orderly came haring in and asked for volunteers as a pilot in A had gone sick. As the only person in the mess—it was me! The only machine I could get was ‘R’, the target practice machine, a slow and bad machine. My own Camel was being repaired, having collected some bullets on my previous sortie. Soon after coming out of cloud, we ran into fifteen German fighters. My engine was not good, and trying to get more out of it I ‘choked’ it. At this time, I saw Cecil King with a couple of German aircraft on his tail and so pulled up to give ‘em a squirt and down they came on me. The universal joint was shot off the joystick, my rudder wires cut and petrol was squirting all over the cockpit. With the throttle I kept pulling the nose up until, at 300 feet, I went into a spin and went in. I came to four hours later, in our barrack, with a German at my side. I had three bullet holes in me, both knees out of joint, fractured skull and fractured wrist—and of course was a P.O.W.”

As Germany began to fall apart at the end of the war, he was taken to hospital in Germany so that they could give great credit, but civil order broke down and an accident in January 1919; he was just 19.

As we remember the huge heroism of the men and women of the RAF over the years, we remember those who survived into old age, like my grandfather, who died in his 80s, and those such as Cecil King, who died as a 19-year-old, hugely decorated.

9.38 pm

Wayne David (Caerphilly) (Lab): It gives me great pleasure to respond to this excellent and on numerous occasions very moving debate, and to join colleagues in acknowledging and celebrating 100 years of the RAF, the world’s first independent air force. I am also pleased to echo what the Secretary of State said about Sir Stephen Hillier’s leadership of the RAF generally and about his consummate skill in organising the celebrations that have been taking place. For me, the highlight of the last few months was the flypast of aircraft old and new over the House of Commons and, more importantly, over Buckingham Palace. It was wonderful to see the large crowds of people out in the Mall paying their respects to the air force. It was especially pleasing to see large numbers of young people present, and I wish to reinforce the comments of my hon. Friend the Member for Feltham and Heston (Seema Malhotra) about the air cadets, of whom this country should be very proud indeed.

We also heard fine contributions from my hon. Friend the Member for East Lothian (Martin Whitfield) and the hon. Members for Torbay (Kevin Foster) and for Strangford (Jim Shannon). The Chairman of the Select Committee, the right hon. Member for New Forest East (Dr Lewis), made the point that it was important to acknowledge the role that key personalities and individuals have played in the history of the RAF. A number of Members have referred to close relatives, including the hon. Members for Seaford and North Hykeham (Dr Johnson), for Stafford (Jeremy Lefroy) and for Witney (Robert Courts). The hon. Member for Beckenham (Bob Stewart) referred to his father, a distinguished squadron leader who gave so much for his country.

I, too, should like to refer briefly to my father. David Haydn David was not highly commended or given many medals, but he nevertheless made a huge contribution to the war effort. He was an engineer on Lancaster bombers and served much of the war in the far east. It is important to remember that thousands of people like him—women and men—made vital contributions to our war effort in a whole host of different ways.

I am also pleased to be a member of the RAF section of the armed forces parliamentary scheme. Like other Members here, I pay tribute to the work of Vasco. Those Members who are in the scheme will know exactly who I am talking about. Although I have been in the scheme for only a few weeks, I have learned a great deal about the working of the RAF. I have been extremely impressed by the organisation and, above all else, the people I have met and their unstinting commitment to the work of the RAF and the defence of this country.
As we have heard, the RAF has a long and proud tradition, but it is also important to look to the future. I am pleased that the Government have produced a combat air strategy, which was published in July this year. This comes at an important time. We will see the first of the new, fifth-generation Lightning F-35 aircraft coming into service in the new year. As we know, they will replace the ageing Tornado GR4 aircraft in March 2019. Those F-35s will partner and complement the Typhoon until 2040. It is important to have a long-term perspective, and that is something that the RAF teaches us.

I am also pleased that the Tempest project has been recognised as a vital part of the forward projection of the RAF. A number of partners have been stated by BAE Systems and the Ministry of Defence, including countries such as Turkey, but we should not forget that, as the project develops, it will become essential to have a close working relationship with the French and the Germans, irrespective of what happens with Brexit. We need to remember that the Typhoon has been a big European success story, of which we have been an essential part, and I hope that that European co-operation will continue to be a central part of the RAF’s work. Europe is also important for defence generally. We have heard today about the Galileo project, and although the negotiations with our partners in Europe appear to have been successful, we need to be mindful of how much it would cost for us to go it alone in the future. Co-operation will have to continue with our allies, both in Europe and, critically, in NATO.

It is important to recognise that the RAF has been enormously successful in its recent work in Syria and Iraq, with many successful sorties. I pay tribute, in particular, to the professionalism with which it conducts its work, ensuring that airstrikes are carried out, as far as is humanly possible, with pinpoint accuracy. I am also pleased that, in our own backyard, with the situation in central and eastern Europe, we see the RAF playing a prominent role, alongside our NATO allies, to ensure that any potential Russian threat is thwarted.

It is important to take this opportunity also to express some concerns. One of our concerns is about personnel, which the hon. Member for Glasgow South (Stewart Malcolm McDonald) discussed in his speech. There is currently a deficit of 6.4% against the RAF’s staff target—full-time trained staff of the RAF currently number 30,070, but the figure set out in the 2015 strategic defence and security review is 31,750. That is a cause of concern. The situation might not be as bad as it is in the Army and the Navy, but the number is significantly below what it should be. It is also concerning that, according to the most recent armed forces continuous attitude survey, for 2018, only 41% of RAF personnel describe themselves as satisfied with service life in general, and only 32% report having high morale at work. We all know why morale is not as high as it should be.

Our second concern is about equipment, particularly the replacement of Sentry, the RAF’s airborne warning and control system aircraft. The concern is that the Ministry of Defence is having single-source discussions, with one company, Boeing, for its E-7 Wedgetail aircraft. The concern has been expressed by the Defence Committee, and it is shared by the Opposition. Our concern is essentially that there is a lack of openness and basic competition. Of course, in some circumstances, it is not appropriate to have competition, but in many circumstances it is entirely appropriate, and this is a case in point. It would be far better if we could see what the options are and then decide what the best one is. I would welcome any assurances from the Minister on future single-source contracts and on how exactly the MOD will do these things in future.

I conclude by paying tribute once again to the RAF in this extremely important year. In his overview of the defence combat strategy, Air Chief Marshal Sir Stephen Hillier made absolutely clear what the RAF’s mission has been historically, what it is today and what it will be in the future. He stated that the RAF’s mission is to provide:

“An agile, adaptable and capable air force that, person for person, is second to none, and that makes a decisive air power contribution in support of the UK Defence Mission”.

I think that is a good summation of what the RAF should be about, is about and will continue to be about.

9.49 pm

The Minister for the Armed Forces (Mark Lancaster):
What a pleasure it is to wind up this fantastic debate. I am under strict instructions to sit down at five minutes to 10, so I can only apologise in advance to any colleagues I do not respond to. I offer the assurance that I will write to them.

I am grateful for the contributions to this debate on the centenary of the Royal Air Force. I declare my interest as a former air cadet who went on to do a Royal Air Force flying scholarship. I have very warm memories of the Royal Air Force, although I fear it does not have such warm memories of me as, having got my pilot’s licence, I promptly joined the Army.

I join hon. and right hon. Members in offering my congratulations on what has been an outstanding and very well run campaign this year. RAF100 has been a great success in reaching out to communities across the United Kingdom. This has truly been a celebration for everyone, from all walks of life, and has provided the British public with a real insight into what it means to be part of the Royal Air Force. Some 165,564 people came into contact with the Royal Air Force baton as it toured the country.

I cannot overstate the valuable contribution that the brave men and women of the Royal Air Force have made to the defence of this country over the past 100 years. As the Defence Secretary said, the flypast represented the impressive past and current capabilities. The Royal Air Force is already looking to the future beyond conventional capabilities to cyber and space. It is only fitting that all of us in the House take the time to thank the RAF for what it has achieved and to wish it well for the future.

Looking to the future has driven much of the debate. It has given us a glimpse of the huge range of tasks and missions that the men and women across the Royal Air Force conduct on a daily basis. It has also given us an opportunity to reflect on the proud traditions and achievements that the Royal Air Force is built upon. Of course, we have also considered what the Royal Air Force of the future will look like.

I will now comment on just a few of the contributions. The hon. Member for Llanelli (Nia Griffith) asked about our maritime patrol aircraft. As she knows, the
UK is investing in nine Boeing P-8 maritime patrol aircraft to further improve the protection of our nuclear deterrent and our new aircraft carriers. [Interruption.] I realise she is not listening to my response to her speech. We are also on track to achieve the initial operating capability for carrier strike operations by the end of 2020, and the inaugural operational deployment is planned for 2021. Finally, she asked about pilots. The military flying training system has experienced the biggest transformation in a generation, and we will provide a world-class global exemplar for the air training solution.

The hon. Member for Glasgow South (Stewart Malcolm McDonald) rightly paid tribute to the Royal Auxiliary Air Force in his constituency. Indeed, he mentioned that the origin of RAF Leuchars was, of course, the Royal Engineers balloon corps. It is interesting how, 100 years on, we go back because 71 Engineer Regiment is currently headquartered at RAF Leuchars—I am a fellow Royal Engineer.

The hon. Gentleman mentioned the British Armed Forces Federation. When I asked him for evidence, he said the proposal was in the manifesto on which his party returned 35 Members of Parliament at the last general election. I gently point out that that is a reduction of 21 Members on the previous Parliament, when it was not in his party's manifesto.

My hon. Friend the Member for Aldershot (Leo Docherty) highlighted the importance of Farnborough and how the biennial air show acts as a focus for innovation in his area. The hon. Member for Bridgend (Mrs Moon), or Madam President, rightly highlighted the international composition of the Royal Air Force. I took great pleasure in accompanying my Polish counterpart to the Polish war memorial at RAF Northolt, where 303 Squadron did so much in the second world war.

My hon. Friend the Member for Stirling (Stephen Kerr) summed up the feelings of so many who may not have a personal connection with the Royal Air Force but who have a deep-seated admiration for it. The hon. Member for Feltham and Heston (Seema Malhotra) spoke fondly of her constituency's association with the Royal Air Force, particularly the historical manufacturing links, and her constituents' eagerness to maintain those links, which I know is mirrored across the country.

My hon. Friend the Member for Beckenham (Bob Stewart) rightly highlighted the contribution of the RAF Regiment, which since 1941 has so successfully acted as force protection for the RAF. Only last week I met members of 7 Force Protection Wing at RAF Coningsby, and I met the joint terminal attack controllers who provide the critical link between air and surface forces, and who achieved such success in Iraq and Afghanistan.

The hon. Member for East Lothian (Martin Whitfield) reminded us of the celebrations and the travels of the RAF baton, and my hon. Friend the Member for Torbay (Kevin Foster) highlighted the great role of Johnny Johnson, the last of the dambusters, and the vital contribution that air cadet organisations make to the lives of young people. The hon. Member for Strangford (Jim Shannon), next to the hon. Member for Bridgend, is one of the RAF's great champions, and he will be delighted that as of 2019 there will be a Northern Ireland university air squadron. My hon. Friend the Member for Witney (Robert Courts) highlighted not only his strong family links, but the importance and enabling function of RAF Brize Norton, and the global reach of the C-17.

In opening, the Chairman of the Select Committee, my right hon. Friend the Member for New Forest East (Dr Lewis), made the incredibly valuable point that the RAF is all about people. On that note, may I simply congratulate all hon. Members who have contributed. I will write to any hon. Member who has not—

Wayne David rose—

Mr Speaker: Is the Minister giving way or has he finished? I think he has finished.

Mark Lancaster indicated assent.

Question put and agreed to.

Resolved,

That the House has considered the 100 year anniversary of the Royal Air Force.

Martin Whitfield: On a point of order, Mr Speaker. I am slightly disappointed to note that on a social media platform a newspaper in this country is tweeting out that only Conservative Members took part in this debate. How can I put it on the record that Members from all across this House, on both sides, contributed to this debate?

Mr Speaker: I think the hon. Gentleman has found his own salvation. Any such report suffers from the disadvantage of being wrong.

DELEGATED LEGISLATION (INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY) Ordered.

That the Motion in the name of Andrea Leadsom relating to the Independent Parliamentary Standards Authority 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.—[Paul Maynard.]
Joint Committee on the Draft Parliamentary Buildings (Restoration and Renewal) Bill

9.56 pm

The Leader of the House of Commons (Andrea Leadsom): I beg to move,

That this House concurs with the Lords Message of Tuesday 23 October, that it is expedient that a Joint Committee of Lords and Commons be appointed to consider and report on the Draft Parliamentary Buildings (Restoration and Renewal) Bill presented to both Houses on Thursday 18 October 2018 (Cm 9710), and that the Committee should report on the draft Bill by Thursday 28 March 2019;

That a Select Committee of six Members be appointed to join with a committee to be appointed by the Lords for this purpose;

That the Committee shall have power:
(i) to send for persons, papers and records;
(ii) to sit notwithstanding any adjournment of the House;
(iii) to report from time to time;
(iv) to appoint specialist advisers; and
(v) to adjourn from place to place within the United Kingdom.

That the quorum of the Committee shall be three; and

That Neil Gray, Meg Hillier, Mr David Jones, Sir Edward Leigh, Dame Caroline Spelman and Mark Tami be members of the Committee.

As a unique UNESCO world heritage site, with more than 7,500 people working in here and more than 1 million visitors each year, the Palace of Westminster is an asset to our nation and the seat of our democracy. Members of both Houses have made their views clear on how best to carry out the restoration of the Palace of Westminster, and the Government are responding accordingly. Since becoming Leader of the House of Commons, I have been determined to get on with the job in hand, as this place is in urgent need of repair. So last month, the Government published the draft Parliamentary Buildings (Restoration and Renewal) Bill, giving effect to the resolutions passed earlier this year.

The draft Bill facilitates the decision taken by Parliament to set up a sponsor board and delivery authority to progress a programme of comprehensive works on the Palace of Westminster. The Bill has been developed in close consultation with the House authorities, and will put in place the rigorous and transparent governance structure we need to drive the work forward, while ensuring that we focus on value for money for the taxpayer. The sponsor body will have a majority of parliamentarians on its board, alongside experienced external members. Once a concept design, proposed funding envelope and estimated schedule for the programme have been developed as part of an outline business case, they will need to be approved by both Houses. The sponsor body will also be required, should there be any changes afterwards, to return to Parliament for approval to make any significant changes to the approved proposals in respect of the Palace. The Government agree with Parliament that there can be no blank cheque for this work and it must represent good value for taxpayers’ money. So Parliament will be given the opportunity to vote on the annual expenditure of the sponsor body and the delivery authority, through the estimates process.

Currently, there is a shadow sponsor board in place, which convened its first meeting in September. The board is expected to meet monthly, but in the early days and around the transition to statutory status, more time commitment is likely to be required. The most senior official in each of the shadow bodies, the sponsor board and the delivery authority will act as its senior responsible officer during the shadow phase. As SRO, he or she will be accountable to the two accounting officers in each House for the parts of the programme that they have accountability for.

To conclude, we need to ensure that we achieve the aims of a restoration and renewal programme that is sufficiently independent, transparent and accountable to Parliament. I am extremely grateful to all those Members who have agreed to play their part in the Joint Committee, and in particular to my right hon. Friend the Member for Meriden (Dame Caroline Spelman), who has agreed to chair the Committee. Should the House agree to the motion, I look forward to seeing the outcomes of the Joint Committee’s work.

Question put and agreed to.

Resolved.

That this House concurs with the Lords Message of Tuesday 23 October, that it is expedient that a Joint Committee of Lords and Commons be appointed to consider and report on the Draft Parliamentary Buildings (Restoration and Renewal) Bill presented to both Houses on Thursday 18 October 2018 (Cm 9710), and that the Committee should report on the draft Bill by Thursday 28 March 2019.

Ordered.

That a Select Committee of six Members be appointed to join with a committee to be appointed by the Lords for this purpose;

That the Committee shall have power:
(i) to send for persons, papers and records;
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(iii) to report from time to time;
(iv) to appoint specialist advisers; and
(v) to adjourn from place to place within the United Kingdom.

That the quorum of the Committee shall be three; and

That Neil Gray, Meg Hillier, Mr David Jones, Sir Edward Leigh, Dame Caroline Spelman and Mark Tami be members of the Committee.—(Andrea Leadsom.)

Business without Debate

HOME AFFAIRS

Ordered.

That Kirstene Hair be discharged from the Home Affairs Committee and Chris Green be added.—(Bill Wiggin, on behalf of the Selection Committee.)

WELSH AFFAIRS

Ordered.

That Simon Hoare be discharged from the Welsh Affairs Committee and Jack Lopresti be added.—(Bill Wiggin, on behalf of the Selection Committee.)

WOMEN AND EQUALITIES

Ordered.

That Kirstene Hair be discharged from the Women and Equalities Committee and Anna Soubry be added.—(Bill Wiggin, on behalf of the Selection Committee.)
WORK AND PENSIONS

Ordered,

That Justin Tomlinson be discharged from the Work and Pensions Committee and Derek Thomas be added.—(Bill Wiggin, on behalf of the Selection Committee.)

Robert Courts (Witney) (Con): On a point of order, Mr Speaker. In the debate on the Royal Air Force’s 100th anniversary, I intended to draw the House’s attention to my entry in the Register of Members’ Financial Interests before I spoke. I am afraid it slipped my mind, but may I correct the record now?

Mr Speaker: The hon. Gentleman has found his own salvation, and I think the House appreciates the promptness with which he has done so.

College of West Anglia and Worksop Football Academy

Motion made, and Question proposed, That this House do now adjourn.—(Mark Spencer.)

10.1 pm

John Mann (Bassetlaw) (Lab): Mr Speaker, what long hours you have been working today. I have an important issue to raise. It is relevant to my constituency and the Minister is well aware of it, and I suggest to the Minister that it has wider resonance beyond my constituency. It is one example, although not isolated, of a serious problem that afflicts further education and the use of sports academies.

In January 2015, the Worksop Guardian ran a report on its website—it was later in the newspaper and on the local football club’s website—that outlined how a football academy was to be established in Worksop by Doncaster College, in partnership with Worksop Town football club. The report stated:

“Worksop Town hope to give local youngsters a future in football or guide them into further education, through their new Football Academy.”

It went on:

“Students will combine daily training sessions and matches with classroom studies, under the watchful eye of teaching staff from Doncaster College.”

The academy would offer academic qualifications, the possibility of going on to study at university, and perhaps a scholarship to America, with level 1, 2 or 3 BTEC sports diplomas, worth up to three A-levels, for each participant. According to the paper, Mr Russ Horsley, the sports academy development manager at Doncaster College, called it an exciting partnership “in line with our new academy of sport” founded by Doncaster College.

Unfortunately, having made this great announcement, Doncaster College did not fulfil that commitment to establish a football academy with Worksop Town football club, although the community and I discovered that only some years later. Instead, the contract went via another college, the College of West Anglia, which, at the time and throughout the existence of the academy, neither I nor anybody else in my constituency, or anybody connected with Worksop and Worksop Town football club, had any knowledge of or indeed had even heard of. The college subcontracted to a company called GEMEG whose director was one Russell Horsley, the major shareholder and company secretary since he formed the company in 2011. That is the same Russell Horsley who was the sports development manager at Doncaster College who had announced the initial partnership.

The Minister should be aware that the local further education college—known as North Notts College at the time—tried particularly hard to get in on the act and run this football academy with the local football club, but it was told in no uncertain terms that there was a better deal with Doncaster College. Despite my interventions on behalf of my local college, we were rebuffed and told that this was a perfect relationship.

What transpired was not quite what had been promised. The College of West Anglia was not known to us. It had previously had a relationship in a sports location called Gresham, near West Bridgford, just by the city of
Nottingham. It was around an hour from my constituency—about 50 miles away. It was a place that none of my constituents had ever visited and a place that I had never heard of until I discovered that, apparently, the young trainees of the academy from Worksop were at Gresham for the first six months of their £168,000 Government-funded course. I was able to demonstrate very quickly, within minutes, that zero of my constituents had ever visited Gresham. Most had never visited Nottingham. None of them had heard of the College of West Anglia. Their course had been in Worksop, and yet the College of West Anglia claimed—and has claimed right up to this year—that these students were being trained in Nottingham.

According to West Anglia, during a visit on 8 February 2016, no learners or staff were present. This cannot be a surprise because no learners had ever visited this establishment, yet the college, having taken £168,000 in Government money, was maintaining that it was delivering, through a subcontractor, this fantastic course in Gresham. With all the standards required, it said that it was guaranteeing the health and safety and the quality of the teaching and the output, but this never actually took place; it was a fiction, a fantasy. There were, of course, zero health and safety assessments, and zero quality assessment of what was going on in Worksop, and yet the College of West Anglia claimed—and has claimed right up to this year—that these students were being trained in Nottingham.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on bringing this matter to the House. Does he not agree that this case highlights very clearly the importance of accountability and traceability of public funds? May I congratulate him on the important, vital and creditable work that he has done in bringing this scandal to light?

John Mann: Absolutely.

What was the College of West Anglia doing with £168,000 of taxpayers’ money? Well, I can tell the House what it was not doing. It was not funding food for any of the trainees, who were expected to pay “£3 a day for food at a pub”. That was part of the course for every trainee every day. The trainees were also required to pay “£70 for training kit”. They were not assessed for bursaries. Now, I have met a lot of these students. I know my constituents; I have looked at their addresses. I know that most of them would have got a bursary. A girl with dyslexia would have got a good bursary under disability discrimination provisions. But they could not get a bursary because they were not assessed for one. Some should have received free meals, but they were not assessed for free meals.

The students should have been given the equipment they required to carry out the course, but they were charged for the training kit and were required to buy their own computers to take into a classroom. But it was not a classroom. In fact, this was a further subcontract because Worksop Town’s ground and clubhouse—known to the fans as “the bar”—in which this course took place is subcontracted from another organisation. So the College of West Anglia subcontracts to a company called GEMEG, which partly subcontracts to Worksop Town football club, which subcontracts part of the facility from another outfit and pays £2,800 for the privilege of doing so.

No travel costs were paid, unlike many other colleges with bursaries, so these young 16-year-olds had to pay to travel. One verified to me that travel was £5 a day. Another wrote to say:

“We never had set times to start and finish.”

Another said:

“I coached in schools and didn’t get paid.”

Coached in schools? Well, hang on a minute. Where is the safeguarding in the 12 primary schools where these students were expected to coach? These students have been put at theoretical risk for the rest of their lives for any claim that could be brought against them.

The schools were also at risk because they had no idea. Many thought they were paying a company called Tiger Enterprises, owned by the manager of their local Worksop Town football club. It was Tiger Enterprises that received the fine for non-attendance, paid by cheque by one of the participants. So hang on a minute—the College of West Anglia has £168,000 of taxpayers’ money, and one of its students is charged £100, which goes to a private company owned solely by the manager of the local football club, for non-attendance at the College of West Anglia course. Somebody is owed some money here—some of these students, who have some protections under the law. But the law does not really seem to have applied to them when it came to this course, this college and its actions.

Section 7 of the Children and Young Persons Act 2008 puts a requirement on the college for the general wellbeing of children. The Safeguarding Vulnerable Groups Act 2006 also puts a requirement on the college, but it did not even know the location of these young people. It did not know that these young people were going into primary schools—untrained and without insurance—to coach four and five-year-olds in football.

This is a shambles and a scandal. My constituents were put at risk and none of them got qualifications. Other people made money. Worksop Town managed to get £20,726 out of the £168,000 as its share of the loot for what it was providing in some way. Yet the community sports ground that provided the facility required in the course for the playing of sport is still owed over £5,000 to this very day. The College of West Anglia, having failed to deliver a course that provided any real qualifications, this college and its actions.

To reiterate the point made by the hon. Member for Strangford (Jim Shannon), what is going wrong when the College of West Anglia today refuses to meet me about this and refuses to pay its debt? The chair of governors and the principal say that they have dealt with the issues, but they have not dealt with the issues of this scandal whereby they used the money to rip off the taxpayer for this money, to provide no qualifications, to put my constituents at risk, to cost my constituents money, and to leave a community sports club about
The Minister for Apprenticeships and Skills (Anne Milton):

I congratulate the hon. Member for Bassetlaw (John Mann) on securing this debate. As he knows, I really appreciate him raising his concerns with me about the educational provision delivered by the College of West Anglia at Worksop Town football club. We have discussed this case on several occasions, and he has taken a close interest in the investigation undertaken by the Education and Skills Funding Agency. When things go wrong, it is critical that, first, we do all we can to put them right—we cannot always do so, and we cannot turn back the clock—but equally important, as he rightly said, we need to look back and learn lessons to prevent them from happening again. He is right that this case has wider implications beyond those confined to Worksop Town football club and the College of West Anglia.

Subcontracted provision needs careful management. The ESFA allocates £5.7 billion annually to provide study programmes for young people. It is very important, as the hon. Gentleman said, that public funds are appropriated correctly with the interests of our young people protected. As he is aware—I hope he will forgive me if I mention a few things that it is quite important to put down for the record—the programme at Worksop Town football club was completed in 2016, and the College of West Anglia independently took the decision to terminate its contract with the subcontractor, GEMEG, from July 2016.

Once the concerns about the provision were brought to our attention, we commissioned an investigation, but it was the hon. Gentleman’s efforts that brought this to a head. In June 2018, we published the findings, so that all in the sector can learn the lessons of this case. The hon. Gentleman was persistent in getting to the bottom of this. It was clear that the original ESFA draft investigation report was not as comprehensive as it should have been, and his insistence has ensured that a full and proper report has now been published.

We are clear that the arrangement between the college and the subcontractor was unacceptable. The investigation highlighted that the college needs to carry out a full review of its subcontracting controls and assurance systems and processes. That must include the college’s process for monitoring subcontractors, as well as subcontractors’ methodology for conducting enrolment, induction and initial assessment of learners.

As a result of the investigation, the College of West Anglia is barred from starting any new subcontracting arrangements for 16-to-19 learners until the ESFA is satisfied that all the proper procedures are in place. The ESFA continues to monitor progress against the college action plan, but it is not yet satisfied, and the ban on new 16-to-19 subcontracting remains in place.

The hon. Gentleman raised a number of questions. He talked about the purchases that young people were required to make. Young people are quite vulnerable. In fact, they were not required to purchase sportswear that was not necessary for their learning programme, but the fine definition of that might well have been lost to some of them. Critically, the use of taxpayers’ money comes into question, but as important are the young people who have been let down, and sadly we cannot turn the clock back on that. The ESFA has subsequently clarified the funding rules to ensure that in future, that distinction is made clear to students who undertake studies as part of the sports academy, so that they fully understand what is and is not essential to the completion of their programme.

The hon. Gentleman raised questions about whether students received support funding to which they may have been entitled, in respect of expenses incurred. The investigation found that some students did receive payments of bursaries. However, it is clear that the College of West Anglia and GEMEG could have done a great deal more to make learners aware of funding support, in particular helping them to evidence their eligibility to make a claim.

I commend the hon. Gentleman for his quest for answers, with the most serious question he raises being about the safeguarding of young people; nothing is more important. The investigation fully explored that area and was able to conclude that all teachers who worked with the learners had been CRB—now DBS—checked. No allegations of breaches of safeguarding were reported to the College of West Anglia while this provision was being delivered.

John Mann: I commend the Minister for her work and her approach throughout this unhappy episode. Safeguarding does not protect the young people who are put in the position of training four or five-year-olds without having the competence or accreditation to do so. I am pleased to inform her that Nottinghamshire County Council has agreed that a gold-plated qualification on top of all existing requirements is now the aim for anyone who does sports coaching in schools in Nottinghamshire. Is that not a great step forward?

Anne Milton: It is an important step forward, and I commend Nottinghamshire County Council. Safeguarding and anything to do with the training of young people should be gold-plated; it is as simple as that. Nothing less than the best will do, particularly in this day and age, when we hear of so many cases where things have gone wrong.

As a result of this case, the College of West Anglia is prevented from entering into any further subcontracting arrangements until it has provided evidence of independently verified improvements in its arrangements...
Anne Milton

for control and quality assurance of subcontracting and has systematically addressed all the recommendations in the report.

This is a worrying case, and the report reached a number of conclusions highlighting areas of concern about where controls were simply completely inadequate. However, the lessons learned are being used to improve the experience for learners. The ESFA has revised its guidance and rules on subcontracting. It has also set in motion a wider review of its monitoring and enforcement of subcontracting rules across all post-16 funding. That review is due to reach its conclusions shortly, and it is already highlighting areas where we can learn lessons from such cases.

From 2019, the ESFA will introduce an annual review of subcontracting for all providers that subcontract. That will look across ESFA programmes, including 16-19 funding, the adult education budget, apprenticeships and the European social fund. It will protect students by looking for signs of non-compliance and checking with main providers that the rules are being followed. It is all very well to have rules, but one actually has to check that they are followed.

It is vital that directly funded organisations properly monitor and control all subcontracted delivery. They must ensure that safeguarding is rigorously policed, that students enjoy the same entitlements as those learning in schools and colleges, and that their education is of high quality. There are huge opportunities for young people if this is done well.

Linked to this case, the ESFA has taken the opportunity to review and strengthen the funding guidance for subcontracting and how it relates specifically to sports academies. Specifically, the rules state it is essential that the delivery of the ESFA-funded programme and the delivery of the academy or club’s activities are distinct from each other and, critically, that students understand the rules and requirements pertaining to each. The rules have been strengthened to emphasise that directly funded institutions are responsible for all aspects of provision delivered under subcontracting arrangements.

We have met the Football Association to raise concerns about the risks associated with sports academies. The ESFA continues to work with the FA to ensure that the rules outlined in the guidance to their football clubs and academies are in place for the next academic year. ESFA officials have worked with the FA and developed a quality assurance framework for football clubs, which is a big step forward, and we will continue to work with them.

I commend the hon. Gentleman for his efforts to pursue this case.

John Mann: The FA, at an appropriate level, has been happy to meet me, and I believe it remains happy to do so. The Minister and her officials have—I think, on six occasions—deigned to meet me and have had the joy of doing so. Does she not think it is appropriate for the College of West Anglia also to enjoy the opportunity of at least one meeting with me to discuss this situation?

Anne Milton: I always enjoy the opportunity to meet the hon. Gentleman. In fact, I have to say to him that, as he is possibly aware, many Members of the House would perhaps have fallen at the first or second hurdle, but he persists and it is such persistence that gets results.

This is a complex situation that requires persistence and tenacity. I know that at heart what drives him is the fact that learners are being let down. That is what this is all about. It is important that we make good use of taxpayers’ money, but it is the young people who suffer if we do not get it right.

The hon. Gentleman and I have a shared commitment to seeing that all young people receive a high-quality education and are safe while they do so. I am enormously grateful for the support he has given to me and my officials. He has raised important concerns, and I hope he is happy that I echo them on behalf of the Government. The steps we have taken underline the importance we place on learning lessons from this case. Where there is Government money, there will always be people trying to get around the rules—as I said in Committee recently, there are vultures out there waiting to take that money for less effort—but I hope we can move forward, that lessons have been learned and that this is an end to this sorry tale.

Question put and agreed to.

10.29 pm

House adjourned.
The Secretary of State was asked—

HEALTH AND SOCIAL CARE

Local Pharmacies

1. Michael Tomlinson (Mid Dorset and North Poole) (Con): What steps he is taking to support local pharmacies.

The Secretary of State for Health and Social Care (Matt Hancock): Community pharmacies play a vital role in our health service, but we know they can do more, and we are determined to see them do more, to keep people healthy.

Michael Tomlinson: I am grateful to the Secretary of State for that answer, because he is absolutely right in what he says. The Dorset Local Pharmaceutical Committee is very active and is promoting the policy of Pharmacy First, which should help to relieve pressure on our general practitioners, and even on our accident and emergency facilities. What is he doing to support that policy?

Matt Hancock: I agree very much with my hon. Friend that pharmacies can play an increasing role in helping to make sure that people get their healthcare where they need it, and in keeping the pressure off GPs and off secondary care by making sure that people can help themselves to stay healthy. We are piloting 111 directing people to pharmacies as well as to GPs and, where appropriate, to secondary care, and encouraging people to use pharmacies for minor ailments, but there is much more we can do together on this.

Julie Cooper (Burnley) (Lab): The NHS Confederation has warned that, following Brexit, the supply of some medicines and medical technologies may be delayed in reaching patients, and some may not be available at all. The chief executive officer of the Association of the British Pharmaceutical Industry has been clear that we cannot stockpile the amounts we are going to need, because we do not have sufficient cold warehouse storage. The Medicines and Healthcare Products Regulatory Agency is worried therefore that diabetics will not be able to access insulin. What steps is the Minister taking to ensure that community pharmacies are able to supply vital medical supplies post Brexit, particularly in the event of no deal?

Matt Hancock: Community pharmacies, like everybody else, should support the Prime Minister’s deal, which will make sure that that eventualty does not occur.

NICE Guidance: Head Lice

2. Emma Hardy (Kingston upon Hull West and Hessle) (Lab): What assessment he has made of the potential merits of reversing NICE guidance prohibiting the prescription of head lice treatment by GPs.

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): In the year to June 2017, the NHS spent approximately £569 million on prescriptions for medicines that could be bought over the counter from a pharmacy or supermarket. That is why, following public consultation earlier this year, NHS England issued guidance to reduce the routine prescribing of some medicines for minor, short-term ailments, including head lice treatment.

Emma Hardy: Yesterday, I met people from the charity Community Hygiene Concern, which provides cheap, reusable and effective bug-busting kits for less than £5. However, because of these NHS prescription guidance changes, these kits are no longer available, which threatens an epidemic of head lice in our schools. Surely head lice should not be considered a minor ailment. Will the Minister please write to Simon Stevens to encourage him to meet me and Community Hygiene Concern to look at this issue again?

Steve Brine: I have been itching all morning while thinking about this answer. I do not believe there is an epidemic because of NHS England’s actions. Clinical experts in the NHS advise that head lice can be safely and effectively treated by wet combing; I have very recent personal experience of doing this, as I am sure do many parents in this House. Chemical treatment is recommended only in exceptional circumstances. I had not heard of the charity the hon. Lady mentions, but as we discussed before questions, I am happy to facilitate that interaction.

Michael Fabricant (Lichfield) (Con): In France, where head lice are more common per capita than in the UK, people make good use of pharmacies, because it costs money to visit a general practitioner and because the state promotes the role of pharmacies. May I therefore ask the Minister why do we not advertise that we should be using pharmacies more often than not, instead of going to a GP?

Mr Speaker: Unfortunately, that has nothing to do with the matter of head lice. [Interruption.] It seemed to be slightly tangential, but never mind. The hon. Gentleman was at least attempting to shoehorn his preoccupation into the question, but I will err on the side of generosity. I know that he knows all about heads and all about hair—

Michael Fabricant: But not lice!
Mr Speaker: Indeed.

Steve Brine: I do not know whether my hon. Friend is familiar with wet combing his hair.

Michael Fabricant: Only with my gel.

Steve Brine: Only with his gel. He is absolutely right that, as the Secretary of State just said, community pharmacies are experts in so many minor health matters, and Pharmacy First can absolutely be used when it comes to head lice as well.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op) rose—

Mr Speaker: Is the hon. Gentleman feeling jumpy or does he wish to contribute?

Mr Sheerman: I was just nit-picking.

Mr Speaker: Ah, the House is in a very jocular mood. Long may it last.

Steve Brine: It will soon be Christmas.

Public Health Funding (Local Authorities)

3. Mike Amesbury (Weaver Vale) (Lab): What recent representations he has received on the potential merits of increasing public health funding to local authorities.

[907850]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): We have had lots; it is just that none come with any idea of how that might be paid for. The Government have a strong track record on public health. Local authorities in England have received more than £16 billion in ring-fenced public health grants over the current spending period. Decisions on future funding for that area of spending are of course for the next spending review.

Mike Amesbury: On current projections, over £800 million will have been cut from public health budgets by 2021, £2 million of which has been cut from vital services in my constituency relating to sexual health, and to tackle obesity and smoking. Will the Minister guarantee that the new NHS long-term plan will reverse the cuts to public health budgets?

Steve Brine: I know that Opposition Members like to pretend that the past eight and a half years did not happen, but there is a reason why they had to happen—the economy was crashed—and eight and a half years is not a long time to clear up the mess of the last Government. But we are very clear, as the hon. Gentleman should know, that a focus on prevention will be central to the long-term plan. He mentions child obesity—[Interruption.] Opposition Members may wish to listen. The public health grant remains ring-fenced and protected for use exclusively on improving health, but local government spending on health is not just about the public health grant. The Government spend money on many other things, including around the child obesity plan and vaccinations, and that is all around prevention and public health.

Mr Speaker: Far too long.

Mr Philip Hollobone (Kettering) (Con): As local government is reorganised in Northamptonshire ahead of May 2020, will the Minister consider whether it may not be appropriate in all cases for local councils to manage public health budgets, and whether in some cases it might make sense for the NHS to regain control?

Steve Brine: There are active discussions going on between my right hon. Friends the Health Secretary and the Secretary of State for Housing, Communities and Local Government about this, but the bottom line is that Parliament legislated through the Health and Social Care Act 2012 for local authorities up and down the country in England to be public health authorities. We believe that they are well placed to make these spending decisions with the ring-fenced grant—£16 billion—that we have given them.

Tim Farron (Westmorland and Lonsdale) (LD): The underfunding of public health in Cumbria means that the NHS spends only 75p per child per year on preventive mental health care. Added to that, over three quarters of young people with eating disorders are not seen within the target time of a month, and in the event that they are seen, there is no specialist one-to-one eating disorder service to see them, despite the Government promising three years ago that there would be. Will the Minister meet me and our local NHS so that we can get a better deal for our young people on all three of these points?

Steve Brine: The hon. Gentleman will remember, of course, that £1 billion extra was put into mental health in the Budget last month, but I would absolutely be interested to hear from him. There are very good things going on up and down the country in local authorities with the ring-fenced £16 billion that we have given them. We are very interested to hear about where there are good examples of things going on, and the long-term future discussions around them will take in the spending review, as I have said.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): The Secretary of State claims that prevention is one of his top three priorities, yet this year alone the Government have slashed public health budgets by £96 million. That includes cuts to smoking cessation services, sexual health services, obesity and addiction services and many more. This affects the most vulnerable in our society, so will the Minister do the right thing today and cut the rhetoric, commit to reversing these damaging cuts to public health, and put funding in the long-term plan?

Steve Brine: The hon. Lady—my shadow Minister—knows that I have a great deal of respect for her. She mentioned smoking; smoking rates in England are at their lowest ever levels. We hear spending commitment after spending commitment from the Labour Government; it is like the arsonist turning up at the scene of a fire. I will take very seriously, as I am sure will the Treasury, her bid towards the spending review discussions, but yes, prevention is better than cure and it will be at the heart of the long-term plan.

Healthier Lives

4. Jim Shannon (Strangford) (DUP): What steps he is taking to support people to lead healthier lives.

[907851]

Robert Neill (Bromley and Chislehurst) (Con): What steps he is taking to ensure that people take greater personal responsibility for leading healthier lives.

[907867]
The Secretary of State for Health and Social Care (Matt Hancock): Prevention is indeed better than cure. As well as having a right to expect NHS services to be free at the point of use, we all have responsibility for our own health, and to use the NHS responsibly.

Jim Shannon: I recently met Breast Cancer Now—the Secretary of State will be aware of it. It has 10 priorities for the NHS long-term plan. Has he made an assessment of the impact of the real-terms 5% cut in public health budgets on reducing the incidence of cancer?

Matt Hancock: There are many things we need to do to diagnose cancer early, and of course public health is part of that, but there is a much bigger agenda, and that includes more screening. We have seen an increase in the number of people invited to screening, but we need to get the screening right, so I have instituted a review of all our screening processes for cancer and other diseases.

Robert Neill: Will my right hon. Friend look at the work done by Connect Well Bromley, a partnership funded by the local clinical commissioning group but delivered by Bromley Third Sector Enterprise and Community Links Bromley? That partnership sets out what is in effect a social prescribing programme of activities and services to deal with wellbeing issues at an early stage. Is that a model for elsewhere in the country?

Matt Hancock: Yes, it is. I have been briefed on the example that Bromley is setting, which has been brought to my attention by its brilliant local representative, my hon. Friend. Social prescribing systems such as this one are on the rise, because the evidence shows that social prescribing helps to keep people healthy and out of hospital.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): A fortnight ago, during his statement to the House on prevention and how the Government intend to keep our nation well, the Secretary of State told me that he would look at my Health Impacts (Public Sector Duty) Bill, which had its Second Reading on Friday. Unfortunately, on Friday, the Government objected to my Bill. Which elements of the Bill did the Secretary of State object to?

Matt Hancock: I know the hon. Lady has done an awful lot of work on this, and I respect that work. We did look at the Bill, but we thought it was, unfortunately, technically deficient. I know she cares a lot about this, however, as do I, and I want to work with her to see what we can do.

Dan Jarvis (Barnsley Central) (Lab): According to Office for National Statistics figures, over the past five years, there have been 150,000 excess winter deaths—a mortality rate twice that in Germany and Norway. What specific work is the Secretary of State doing to reduce the number of deaths this coming winter?

Matt Hancock: This year, since I became Secretary of State, we have put an extra £420 million in to make sure we are as well prepared as possible. The NHS is of course under pressure, although it is performing exceptionally well, in terms of how much it does for the money going in, and from next year, we will put in the extra £20 billion. I want part of the long-term plan to be about how we can plan for the long term, instead of having this annual cycle of winter pressures.

Tracey Crouch (Chatham and Aylesford) (Con): Earlier this year, I had the pleasure of joining volunteer leader John Goodwin and others on a health walk around Capstone park in my constituency—one of a number of health walks supported by Medway Council. Will the Secretary of State join me in encouraging more GPs to prescribe walking as a gentle, low-impact form of exercise that is suitable for all ages and abilities?

Matt Hancock: With enthusiasm, I endorse the call from my hon. Friend, who did so much work on this at the Department for Digital, Culture, Media and Sport, both before I was in that Department and when I was Secretary of State there. She made the case brilliantly, and she continues to do so. She is absolutely right.

18. [907868] Stephen Gethins (North East Fife) (SNP): Everyone in the House is indebted to public health workers, who help us to lead healthier lives, be they in local authorities or the NHS. Many of them are EU nationals. Does the Secretary of State share my concerns about the term “queue jumpers”? Will he apologise for it, and will he go further and make sure that no public health worker faces additional costs to remain in their home in the UK?

Matt Hancock: Every EU worker across our health and social care system—whether in the NHS, or working in public health, in local authorities or in social care—is welcome here, and is supported to be welcome here, and we look forward to the settled status scheme rolling out. We are grateful for their service.

Theresa Villiers (Chipping Barnet) (Con): GP appointments are vital for many to lead healthy lives, so will the Secretary of State give his strong personal support to the work of our fantastic GPs, and encourage the NHS to put general practice at the heart of the £20 billion future plan?

Matt Hancock: Yes. General practice will be at the heart of the long-term plan. GPs are the bedrock of the NHS. We will put an extra £3.5 billion, at least, into primary and community services to help keep people healthy and prevent them from going to hospital.

Jonathan Ashworth (Leicester South) (Lab/Co-op): The Secretary of State got into a muddle last week with his GP figures, so may I suggest that he download an exciting new app to his phone? It is called a calculator. He has said that there will be more for community and primary care by 2024. Can he guarantee that there will be the extra GPs and district nurses to provide the services that he is promising?

Matt Hancock: Yes, I can; given that we have the money coming into the NHS, we are doing everything possible to ensure that we have the people to do the work. I am delighted to say that we have a record number of GPs in training right now.

Jonathan Ashworth: But GP numbers have gone down by 700 in the last year, have they not? There are 107,000 vacancies across the NHS, acute trusts are closing accident and emergency departments overnight, the closure of chemotherapy departments is being considered, and Health Education England’s training budget is the lowest that it has been for five years, with more cuts to come next year. Does the Secretary of
State agree that if the long-term plan that he will publish next week is to be credible, he must reverse those training cuts and deliver the staff that our NHS needs?

Matt Hancock: That was a bit of a surprise, because the hon. Gentleman is normally such a reasonable fellow. I thought that he would welcome the record number of GPs in training, and the record number of nurses in the NHS. Because we love the NHS, of course we want to do more, and we will.

GP Access: Learning Disabilities

5. Marsha De Cordova (Battersea) (Lab): What assessment he has made of the ability of people with learning disabilities to access GPs. [907852]

The Minister for Care (Caroline Dinenage): People with learning disabilities still face significant health inequalities. Data from 2017 shows that about half of patients with a learning disability received an annual GP health check, and our target is 75% by 2020. We will shortly consult on plans to introduce mandatory learning disability and autism training for all health and care staff.

Marsha De Cordova: There are shocking health inequalities between people with learning disabilities and the general population, and that is recognised by GPs: 60% say that they have received less than a day’s training in how to meet the needs of patients with learning disabilities and autism, while 98% say that they would appreciate more training. The Government are clearly failing people with learning disabilities. Will they commit themselves to ensuring that every new GP who is trained in England is also given training in how to meet the needs of people with learning disabilities and autism?

Caroline Dinenage: Yes. That is already part of the training framework. As I have said, however, we will consult from early next year on plans to make training on learning disabilities and autism mandatory for all health and care staff, not just medical professionals.

David Duguid (Banff and Buchan) (Con): Let me start by thanking my right hon. Friend the Secretary of State for his support last Thursday on 22q Awareness Day; 22q11 deletion syndrome is second only to Down’s syndrome in its prevalence as a genetic condition, but perhaps surprisingly, there is a remarkably low level of awareness among GPs of this condition, which can lead to avoidable mental health issues in children. Will the Minister meet me to discuss options to increase awareness in the first instance, but also to improve early diagnosis and treatment?

Caroline Dinenage: I congratulate my hon. Friend on all the excellent work that he is doing to draw attention to this condition, and I should be happy to meet him.

Health Inequalities (England)

6. Debbie Abrahams (Oldham East and Saddleworth) (Lab): What assessment he has made of recent trends in the level of health inequalities across England. [907853]

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): We know from recent trends reported to the public health outcomes framework that health inequalities persist in this country. We already have world-leading programmes to address the root causes of poor health, including programmes to deal with childhood obesity, control tobacco and prevent diabetes and heart disease. The Prime Minister has set an ambition to ensure that people can enjoy at least five extra healthy independent years of life by 2035, while narrowing the gap between the experiences of the richest and the poorest, and next year the Secretary of State will set out further plans to achieve that in his prevention Green Paper.

Debbie Abrahams: We have known for decades that poverty and economic inequality drive health inequalities. The richer people are, the longer they live, and the longer they live in good health. In addition to the economic analyses of the Prime Minister’s Brexit deal, what assessment has the Minister made of the deal’s impacts on health inequalities, and on life expectancy and healthy life expectancy, which we know are already falling in some parts of the country, and among some groups of people?

Jackie Doyle-Price: The reasons for health inequalities are complex, but obviously we encourage people to make the lifestyle changes that enable everyone to live longer. I simply do not accept that the direct causality that the hon. Lady has outlined is as clear as that. We will focus on programmes that help people to lead healthier lives with better diets, that tackle tobacco control; and that prevent diabetes.

Andrew Selous (South West Bedfordshire) (Con): As it is the most deprived children who are most overweight, will the Minister call on Kellogg’s to follow the example of Nestlé and put traffic light colours on all its products so that people can make healthier choices?

Jackie Doyle-Price: My hon. Friend makes an excellent point. Clearly the more we can do to educate people to make informed choices to improve their diet, the better. He is absolutely right: poor health among children used to be indicated by being underweight, but now being overweight is very much an indicator. I congratulate any food manufacturer that is taking action to address the problem.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Minister and the ministerial team know that many working class people do not have good access to GPs, and that GPs treat them differently from more middle class people, as demonstrated by the number of people from poorer backgrounds with atrial fibrillation who are wrongly diagnosed. If they are diagnosed with an irregular heartbeat or pulse, they are given the wrong drugs. That happens to many ordinary people in this country: there are still all these wonderful GPs prescribing aspirin that will do no good at all. What is going on with GPs and poorer people?

Jackie Doyle-Price: Our NHS is full of people who are doing their best to deliver the best possible care for all their patients. It is important that GPs and any health practitioners consider the holistic needs of all their patients—
Mr Sheerman: They’re killing people.

Jackie Doyle-Price: The hon. Gentleman says they are killing people; that is not the debate I want on the NHS.

Luke Graham (Ochil and South Perthshire) (Con): Scotland has the lowest life expectancies of all parts of the United Kingdom, with the figures falling for the first time in 35 years. The average life expectancy in 2017 was 77 years for men and 81.1 for women, compared with 79.2 for men and 82.9 for women in the rest of the UK. What can my hon. Friend do to support the devolved Administration to ensure that Scotland is not left behind the rest of the United Kingdom?

Jackie Doyle-Price: My hon. Friend is right to draw attention to that. I am always very keen to work with the devolved nations to both learn from what they do well and to share our expertise and experience where we are doing better, and I hope we will all co-operate to do exactly that.

Alison Thewliss (Glasgow Central) (SNP): Initiating breastfeeding at birth can help reduce to health inequalities. Due to the actions of the Scottish Government, breastfeeding rates in Scotland are at a record high, whereas in England they are falling back dramatically because of local cuts. What will the Minister do to increase breastfeeding rates in England?

Jackie Doyle-Price: I commend the hon. Lady for her leadership on the issue, and she is right that this is one of the most significant public health interventions we can make at the earliest point in life. I will happily line up with her to do more to champion breastfeeding, and there is certainly a lot further to go, not least in ensuring that society is more tolerant of the practice and that women really do enjoy their right to breastfeed.

Childhood Obesity

7. Luke Hall (Thornbury and Yate) (Con): What steps he is taking to tackle childhood obesity. [907855]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): In June we published chapter 2 of our child obesity plan, which built on the world-leading measures we introduced in 2016, including bold new measures to halve child obesity by 2030.

Luke Hall: Will the Minister join me in welcoming the launch this week of South Gloucestershire Council’s Reach programme? It is an evidence-based service for obese and overweight children aged between four and 16 in South Gloucestershire and their families, aimed at improving the wellbeing of young people and building their esteem, and raising issues of weight gain between and among families.

Steve Brine: I certainly will; we need a collective effort to achieve the national ambition of halving child obesity by 2030, and that means we need local initiatives such as the Reach programme to support families and help them make positive lifestyle choices. I pass on my congratulations to South Gloucestershire Council on its programme.

22. Chris Evans (Islwyn) (Lab/Co-op): Many children who are referred for treatment with problems related to being overweight might be suffering from eating disorders. Eating disorders come in all shapes and sizes, from anorexia right through to body dysmorphia. However, a recent ombudsman report says many people are facing longer waiting times and not receiving the help they need. Will the Government now prioritise ensuring people with eating disorders get the treatment they need?

Steve Brine: Through our work on parity of esteem for physical and mental health, we take eating disorders very seriously. That is not directly related to the child obesity plan, but we are absolutely determined to tackle weight challenges at either end of the scale, because I know that they affect a lot of people.

Nic Dakin (Scunthorpe) (Lab): Obesity is now one of the biggest risks to health and a significant cause of cancer and other conditions. Is it not time to look at restricting the advertising of junk food up to 9 o’clock?

Steve Brine: I have a lot of time for the hon. Gentleman and do a lot of work with him. He knows that we published proposals in the child obesity plan to launch a consultation on a pre-9 pm watershed ban, and we will be bringing that forward before the end of the year as promised.

Young Cancer Sufferers: Costs of Travel

8. Robert Halfon (Harlow) (Con): What estimate his Department has made of the number of children and young people with cancer who are unable to access treatment due to the cost of travel. [907856]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): No child or young person with cancer should be unable to access the treatment they need because of the cost of travelling to hospital. Through the healthcare travel costs scheme, which is part of the NHS low income scheme, parents in receipt of a qualifying benefit or on a low income can claim for the reimbursement of travel costs for their children’s treatment. To date, the scheme has helped some 337,000 people.

Robert Halfon: CLIC Sargent, the charity for children with cancer, has shown that families in my constituency with children with cancer can face a 54-mile round trip to get to their nearest treatment location, which can cost them up to £161.58 a month. Families are incurring thousands of pounds of debt paying for parking and driving their children to their cancer treatment. Does my hon. Friend acknowledge that only 6% of parents of children with cancer are reported as having received financial help from the NHS healthcare travel costs assistance scheme? Does he recognise that the scheme is not designed to meet the needs of children and young people who need highly specialised treatment—

Mr Speaker: Order. Far too long.

Steve Brine: Yes, we do recognise that there is a challenge there. I gave evidence to the all-party parliamentary group on children, teenagers and young
adults with cancer, and I have a copy of the “Listen Up” report here. CLIC Sargent is part of the secretariat for that group. We are looking at this issue through the longer-term than, and I look forward to meeting my right hon. Friend along with CLIC Sargent in the next few weeks as planned.

Mr Speaker: An exemplar of eloquent brevity: Helen Jones.

Helen Jones (Warrington North) (Lab): Access to services is very important for those in the poorest areas of my constituency. Warrington Hospital has been losing services over time, but it has now sought to become a cancer hub for north Cheshire. Will the Minister ensure that, in the case of such applications, access to services for the poorest people is considered along with other factors?

Steve Brine: Yes, we are interested in access to services for all people, wherever they are on the income scheme. The hon. Lady is right to raise that issue. We need to do better on cancer diagnosis, so I would be interested to hear more about the cancer hub that she mentions.

**Sexual Health Services**

9. Nick Smith (Blenau Gwent) (Lab): What recent assessment he has made of trends in the level of demand for sexual health services. [907858]

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): Since 2013, when local authorities took on responsibility for these services, attendance has increased from 2.9 million to 3.3 million. Tests for sexually transmitted infections and access to long-acting contraception have also increased, which shows that people are taking their sexual health seriously and that services are responding.

Jackie Doyle-Price: The evidence I have is that sexually transmitted infection rates are stable, that rates of teenage pregnancy are falling, that rates of abortion are stable and that rates of HIV testing are increasing. However, the hon. Gentleman raises an important point, and I will look into it. The most important thing is not necessarily where or how people access their services, because we want to make tests and long-term contraception available online too. We will keep the issue under review.

Diana Johnson (Kingston upon Hull North) (Lab): Does the Minister agree with the chief medical officer, who said in her evidence to the Health and Social Care Committee that she thought the cuts to sexual health services had gone too far?

Jackie Doyle-Price: As I said in my previous answer, the important thing is to look at outcomes. We can see that levels of teen pregnancy and sexual infection are stable and that more people are accessing contraception. We need to ensure that people can access contraception in the most convenient way for them, and we can see that rates of access are on the increase.

**Community Hospitals**

10. Sir Hugo Swire (East Devon) (Con): What his policy is on the future of community hospitals. [907859]

The Minister for Care (Caroline Dinenage): Community healthcare plays a vital role in helping people stay independent and healthy. Last week, the Prime Minister set out a major new investment in primary and community healthcare worth £3.5 billion a year by 2023-24.

Sir Hugo Swire: I am extremely grateful that my right hon. Friend the Secretary of State came down to East Devon on his first visit outside London. He was able to visit the health and wellbeing hub that we have created in Budleigh Salterton, learn about the beds that we have kept in Sidmouth and Exmouth, and see Ottery St Mary Hospital. Will the Minister instruct all her officials to work collectively with us and the local community in Ottery St Mary to ensure that the hospital has a great future and fits in with the rest of local healthcare provision?

Caroline Dinenage: First, I congratulate my right hon. Friend on his elegant Movember facial decoration. I very much recommend that he keeps it.

My right hon. Friend the Secretary of State was delighted to visit the East Devon constituency recently, where he was impressed by the work at some of the existing community hospitals and care hubs and discussed with Royal Devon and Exeter NHS Foundation Trust how it will work on a sustainable future for the constituency’s community hospital in Ottery St Mary.

Helen Goodman (Bishop Auckland) (Lab): Since the Department says that it likes community hospitals, why are services and wards closing at the Richardson in Barnard Castle?

Caroline Dinenage: We know that patients prefer to be treated in their local area, which is much better for preventing hospital admission and getting people out of hospital for longer. However, such clinical decisions must be taken at a local level in consultation with local people.

Dr Sarah Wollaston (Totnes) (Con): Dartmouth has lost its much-loved community hospital. Unfortunately, that loss has been compounded by the closure of River View nursing home, which had been due to house some replacement facilities. The total loss of community beds in isolated coastal communities such as Dartmouth is causing a collapse of trust in such programmes. Will the Minister meet me to discuss the situation in Dartmouth and the loss of nursing home and community beds?

Caroline Dinenage: I will of course meet my hon. Friend. She is right that we need to keep such valuable local resources right in the community, where they are most needed and where they keep people out of acute hospital services and surrounded by their friends and family.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The usage of Caithness General Hospital in Wick in my constituency is way below what it was originally
designed for, causing my constituents great anxiety if they have to travel over 200 miles to Inverness and back. Mr Speaker, you will tell me that such matters are devolved, so will the Government share best practice on community hospitals with the Scottish Government and NHS Highland?

Mr Speaker: What a wily fellow to get the question in order. Well done, man.

Caroline Dinenage: I am happy to work with our colleagues in Scotland to push forward best practice in helping to support community facilities and to ensure that they are investing in facilities at the heart of people’s local areas, which is where they are needed.

Mr Edward Vaizey (Wantage) (Con): Wantage Community Hospital was built and opened by the local community in 1927, but it has been closed for two years. Moves are afoot to improve both our local health centre and health facilities in Didcot, but all that must be joined up and the community needs an answer. Will the Minister use her power to convene a meeting of local stakeholders and her officials to find a way through the maze and a future for our hospital?

Caroline Dinenage: I am always happy to speak to my right hon. Friend about such things. I understand that the intention is now to move to a more place-based approach to health and care planning in his local area, but all such changes are subject to consultation.

Alison McGovern (Wirral South) (Lab): I will be honest, I am confused. We have heard the Minister say several times that community approaches are important, but our walk-in centre in Eastham is yet again being threatened with closure. Which is it—do this Tory Government want crowded A&Es or proper walk-in centres that will prevent people from unnecessarily ending up at A&E?

Caroline Dinenage: I do not think I can make it any clearer: this Government are committed to providing community services right where people need them, and we are putting our money where our mouth is. Last week, the Prime Minister announced a major new investment in primary and community healthcare of £3.5 billion.

A&E Targets

11. Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): What is the timetable for the NHS to meet its target of seeing 95 per cent. of A&E patients within four hours. [907860]

The Minister for Health (Stephen Hammond) rose—

Hon. Members: Hear, hear.

Stephen Hammond: Thank you very much.

The Government’s mandate to NHS England for 2018-19 clearly sets out A&E performance, and it will see performance improve. So far this year 18 million more attendances have been seen within the standard, and the NHS is introducing more options for urgent patient care. Of course, as the hon. Lady will know, the extra £20 billion a year that is going into the health service will ensure that more patients are seen in A&E.

Gill Furniss: According to a recent poll of doctors by the Royal College of Physicians, almost six in 10 doctors report feeling very worried or worried about the ability of their hospital to deliver safe patient care over the winter period. What is the Secretary of State or the Minister doing to help our hard-working NHS staff provide the best possible care for patients?

Stephen Hammond: The NHS faces a challenging winter, but it has been planning throughout the year for this winter. It has been supported by an extra £420 million to redevelop A&Es, improve emergency care and help patients get home quicker. Those plans, more directly, include reducing the extended hospital stays we saw last year, increasing access to GP appointments and increasing the volume of cases that can be treated by emergency dentists.

Jeremy Lefroy (Stafford) (Con): Last week I visited the A&E at County Hospital, Stafford, which achieved 95.8% on the four-hour target in the week beginning 22 October and has consistently achieved over 95% for the past few months. Will the Minister come to Stafford to see what a great job it is doing, and to see how we can use County Hospital more and bring more services into it?

Stephen Hammond: My hon. Friend has always been an assiduous advocate for his constituents and their concerns. He is right to make that case today. He is also right that, thanks to the hard-working staff in his hospital and across the country, the four-hour target continues to be met for nearly nine out of 10 patients. I will be delighted to come to Stafford.

Mr Gregory Campbell (East Londonderry) (DUP): Does the Minister agree that what considerably exacerbates A&E waiting times at the weekend is when, on occasion, our highly valued NHS staff come under attack? We should have a zero-tolerance approach to any attacks on those highly valued members of staff.

Stephen Hammond: The hon. Gentleman is absolutely right. There can be no statement other than complete condemnation of attacks. We have changed the law, and it came into force earlier this month.

Justin Madders (Ellesmere Port and Neston) (Lab): I welcome the Minister to his place. Although he is new, he will know that the A&E waiting target is not a recent initiative. It is a key part of the NHS constitution, but it has not been met for over three years. If he cannot make a commitment today on when the target will be met, will he accept that, at least for this winter under this Government, the NHS will once again be underfunded?

Stephen Hammond: As I said in my earlier answer, we recognise that this winter will be challenging. We recognise that the A&E performance standard is not currently being met, but, as the hon. Gentleman knows, we are investing an extra £20 billion in the NHS to ensure that the standards are met. The NHS will use that investment to treat 250,000 more patients and to improve A&E performance across the country.
Nursing Higher Education

12. Mr Laurence Robertson (Tewkesbury) (Con): What recent estimate he has made of the number of people entering nursing higher education; and if he will make a statement. [907861]

The Minister for Health (Stephen Hammond): The latest UCAS data from October 2018 show that demand for nursing courses remains strong, with applications exceeding the number of places available this year. The number of acceptances to nursing and midwifery courses in 2018 is consistent with earlier years at approximately 22,000. The final data will be published in December 2018.

Mr Robertson: Does the Minister accept that student nurses face pressures from the long hours they have to study and the long hours they spend on placements, which makes it very difficult for them also to carry out paid work? Is there any more the Government can do to support student nurses financially as they go through college?

Stephen Hammond: As my right hon. Friend the Secretary of State said earlier, we recognise the vital role that nurses play, and we are determined to support them. We are determined to have more nurses in training and more nurses treating patients. At the moment, a student on the loan system typically achieves 25% more in their pocket than they would have had on the bursary, but the Government recognise that there are still pressures, which is why we have the learning support fund, the exceptional hardship fund and support for mature students.

Karin Smyth (Bristol South) (Lab): I talk to local employers who desperately want to support nursing apprenticeships as an alternative to the higher education route, but the uptake of apprenticeships is very disappointing. The levy can be used only for training costs, and trusts have been asked to plug the shortfall in funding for wider capacity building and to cover the 20% of time for which apprentices have to go to off-the-job training. Does the Department recognise this problem? What is being done to address it?

Stephen Hammond: The hon. Lady is right that the number of trusts that currently use the levy is not as high as it should be. We hope that all will do so. It continues to be a priority for us to broaden the routes into nursing. We will address in the long-term plan the specific matter about which the hon. Lady talks. Lady talks.

NHS: Workforce Vacancies

13. Sandy Martin (Ipswich) (Lab): What estimate he has made of the level of workforce vacancies in the NHS. [907862]

The Minister for Health (Stephen Hammond): The NHS employs more staff now than at any other time in its 70-year history. It has recruited 18,200 more doctors and 11,000 more nurses are in our wards since 2010. NHS Improvement publishes vacancy rates using provider information. As the hon. Gentleman will know, the record investment that the Government are providing will ensure that the number of vacancies reduces.

Sandy Martin: With Suffolk’s only psychiatric intensive care unit having been closed down from April to October this year because of lack of staff, and with a two-to-three-month waiting list for counselling, does the Minister not understand that his reassurances do not bear much relationship to people’s lived experience?

Stephen Hammond: I am aware that the local trust has had a number of problems and that there were a number of bed closures—both temporary and permanent—earlier this year. The trust is closely monitoring how those closures are affecting services and patients. The hon. Gentleman will know that beds are being reopened—five beds have been reopened recently—and that there is a plan to put in place the staffing so that the whole ward can reopen in the near future.

Mr Speaker: We are running over time, so very briefly, please, Dr Philippa Whitford.

Dr Philippa Whitford (Central Ayrshire) (SNP): Last week, the Secretary of State claimed that the number of GPs in England had increased by more than 1,000 from June to September, when the data actually showed a drop of 10 full-time equivalent doctors. In 2015, his predecessor promised an extra 5,000 GP places by 2020, but so far there are 1,000 fewer, so how does the Secretary of State plan to meet that target in just the next year?

Stephen Hammond: As the hon. Lady knows from a previous answer, we are committed to making sure that the number of GPs in training meets the target.

Dr Whitford: I find that hard to believe when there is only a year left of the five-year promise.

Scotland has 30% more GPs per head of population, but last year we lost 14% of our EU doctors, and England lost 19%. Does the Secretary of State recognise that the hostile language of the Brexit debate is making the UK seem unwelcoming and making it harder for all four UK health services to recruit?

Stephen Hammond: There are currently more doctors from the EU treating patients in the national health service than on referendum day. We are committed to the 5,000 target.
NHS: Long-term Funding

14. Jack Brereton (Stoke-on-Trent South) (Con): What steps he is taking to ensure that the NHS has sufficient long-term funding.

The Secretary of State for Health and Social Care (Matt Hancock): We are increasing the NHS budget by £20.5 billion in real terms over the next five years. It is a major investment to make sure that the NHS is there for us all.

Jack Brereton: Royal Stoke University Hospital continues to be in financial special measures, and local clinical commissioning groups are now projecting significant overspends in their budgets. How will the Secretary of State ensure that stressed health economies such as those in Stoke-on-Trent and Staffordshire get a significant share of the additional £20.5 billion?

Matt Hancock: Clearly, part of the £20.5 billion of extra funding that taxpayers are putting into the NHS over the next five years is for ensuring that services can be put on a sustainable footing, and that includes some of the highly stressed services such as those in Stoke.

Dr Paul Williams (Stockton South) (Lab): How do the Government plan to use funds to better identify perinatal mental health problems? Half of all women with perinatal mental health problems say that the current system does not identify their need.

Matt Hancock: I very much agree with the premise of the hon. Gentleman’s question. We need to do much more on this subject. It is incredibly important, and there will be more to hear in the long-term plan.

Leaving the EU: Medicines and Medical Equipment

15. Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): What assessment he has made of the effect of the UK leaving the EU on the ability of the NHS to access medicines and medical equipment.

Matt Hancock: The Secretary of State for Health and Social Care (Steve Brine): The deal that the Prime Minister struck to leave the EU will ensure access to medicines and medical equipment, so it is another good reason to vote for the deal.

Mr Bailey: In the event of no deal, what steps would be taken to secure the supply of medicines beyond the six-week stockpile that has been recommended by the Government to the drug companies?

Matt Hancock: Well, of course, while voting for the deal is the best way to ensure the unhindered supply of medicines and medical devices, as a responsible Government we are also planning for the unlikely event of no deal, and that planning includes ensuring that we can continue to get unhindered access after the six weeks for which we are making sure that supplies are available.

Emma Reynolds: We are currently an influential member of the European Medicines Agency, which gives patients access to new medicines six months sooner than non-members. Given that the political declaration reduces us to exploring the possibility of co-operation with the EMA, will the Secretary of State admit that there are no guarantees for patients and that it is very likely that they will have to wait longer?

Matt Hancock: No, because in the event, under any circumstances, we will make sure that there are no further burdens on ensuring that medicines can get licensed here so that patients can use them, but it is another reason why the hon. Lady should vote for the deal.

Anna Soubry (Broxtowe) (Con) rose—

Mr Speaker: I will call the right hon. Lady on the condition that she can ask her question in one relatively brief sentence. [Interruption.] No? Go on, you can do it.

Anna Soubry: Many people say that the much-heralded £20 billion extra for the NHS is some sort of Brexit dividend. In the event that our country remains in the European Union, will the Secretary of State confirm that that extra 3.4% a year will continue and that £20 billion will be made available to our NHS?

Matt Hancock: I am afraid that I will have to let my right hon. Friend know that we are leaving the European Union on 29 March.

Traditional and Western Healthcare

16. David Tredinnick (Bosworth) (Con): Whether he has made an assessment of the effectiveness of integrated traditional and western medicinal healthcare services in (a) the People’s Republic of China, (b) France and (c) India for the forthcoming NHS 10-year plan.

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): The NHS long-term plan, backed by the extra investment by 2023 and confirmed by the Chancellor in the Budget, will set out a sustainable vision for the NHS to make strides towards it being the safest, highest-quality healthcare system anywhere in the world, learning from everywhere and anywhere in the world over the next 10 years.

David Tredinnick: According to the flyer for the post-launch party, the integrated care systems will be considered. Will the Minister make sure that he looks at the use of homeopathy by French pharmacists, the three quarters of a million doctors using traditional healthcare in the Ayush Ministry in India and the 55,000 state hospitals using acupuncture in the People’s Republic of China?

Steve Brine: The NHS should always look to learn from the best healthcare systems and practices anywhere in the world provided they are backed by evidence.
Topical Questions

T1. [907873] Luke Hall (Thornbury and Yate) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Health and Social Care (Matt Hancock): This month, we launched our vision for the prevention of ill health that sets out measures to help increase life expectancy by at least five years because prevention is better than cure. We need to give people responsibility for their own health, while empowering them to make the right decisions in the right way. We are also saving more than £1 billion on the NHS drugs budget and committing more than £3.5 billion to primary and community care. Next month, we will publish the long-term plan for how we spend the extra £20 billion committed to the future of the NHS.

Luke Hall: 19 November marked the three-year licence of the cystic fibrosis drug, Orkambi, in the UK, which is still not available on the NHS. Will the Secretary of State confirm whether there has been any further consideration to provide interim access to this treatment for patients, such as my constituents Annabelle Brennan and Cameron Jameson, while these negotiations continue?

Matt Hancock: The NHS and the National Institute for Health and Care Excellence have written to Vertex, the company involved. I am determined to see progress. We have made the largest ever proposal to Vertex, at half a billion pounds. It needs to engage with this very generous offer, which will mean that everyone wins, most of all those suffering from this awful condition. The ball is in Vertex’s court.

Barbara Keeley (Worsley and Eccles South) (Lab): The learning disabilities mortality review—the LeDeR—investigated 1,000 early deaths of people with learning disabilities in hospital settings, but today major concerns have been raised by the parents of Oliver McGowan about the way in which some deaths have been investigated. The Secretary of State knows that 40 autistic people and people with learning disabilities died in assessment and treatment units, and he has called for a year-long review of the use of seclusion in ATUs. But that is not urgent action. Will he commit to stopping the use of ATUs immediately and to looking urgently at how early deaths are being investigated, particularly that of Oliver McGowan?

The Minister for Care (Caroline Dinenage): I have met Oliver McGowan’s mum, Paula, on a number of occasions, so I am more than aware of this case. I have spoken to her about the deeply distressing report she has had on Oliver’s death. The NHS is looking into this case and will continue to work with Bristol University to further develop and improve guidance and local review teams.

T2. [907874] Kerry McCarthy (Bristol East) (Lab): My niece Maisie turned 14 last week, and she has cystic fibrosis. It is not enough for the Secretary of State to say that letters are being sent back and forth between the drugs company and NICE. Will he get the relevant parties in a room, with him chairing the meeting, so that teenagers such as Maisie can have the drugs that will certainly change their lives, if not save them?

Matt Hancock: I have a huge amount of sympathy for the hon. Lady’s point. We did act to ensure that the parties came together. The offer has been made and the response from the company has frankly not been good enough. It needs to come to the table; the ball is in its court.

The Minister for Health (Stephen Hammond): My hon. Friend is right. I welcome the trust’s recent announcement that it now has enough middle-grade doctors and nurses to keep the Prince Royal Hospital’s A&E open 24/7. It has been receiving some excellent support from NHS Improvement, and I hope that it will achieve similar success in improving the quality of care that as support continues.

T3. [907875] Lisa Nandy (Wigan) (Lab): It has been eight months since the child abuse inquiry that the Prime Minister set up recommended urgently that compensation be paid to the survivors of the child migration programmes. The Prime Minister said that she would act; she did not. The Minister said that she would respond; she has not. Twenty-two people have died since that report was published. How can we believe a single word said by the Government today, when so many promises to people who deserve better have been broken? Where is the response to this report?

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): The hon. Lady makes a very good point. When we last discussed this matter over the Dispatch Box, I said that it was my ambition to come back to her as soon as possible, but we have to agree a cross-Government response, which is imminent. However, she is quite right; we really need to respond as soon as possible.

T4. [907876] Johnny Mercer (Plymouth, Moor View) (Con): The Secretary of State and I spent the night together at Derriford Hospital down in Plymouth, so he will be aware of the unique challenges facing that hospital, which has not had an infrastructure expansion since the 1970s. We have a bid in at the moment. Can we hear whether we have done well before Christmas?

The Minister for Care: I can recommend to anybody spending the night with my hon. Friend in Derriford Hospital, where we learnt a huge amount. The team there were absolutely amazing and it was a brilliant experience. I also learnt a lot about the capital bid, which I have been keeping my eye on very closely. My hon. Friend should hear shortly.

T5. [907877] Mr Philip Dunne (Ludlow) (Con): Does the Minister agree that last week’s success by Shrewsbury and Telford Hospital NHS Trust management in securing sufficient qualified clinicians to keep the A&E and Telford’s Princess Royal Hospital open 24/7, rather than closing it overnight, is a positive first step on the journey out of special measures?

The Minister for Health: My hon. Friend’s point. The offer has been made and the response from the company has frankly not been good enough. It needs to come to the table; the ball is in its court.

T6. [907878] Andrew Bridgen (North West Leicestershire) (Con): Last week, I had the pleasure of visiting Oakthorpe Primary School in my constituency to celebrate its gold award for mental health and wellbeing from Leeds Beckett University. Will the Minister outline to the
House what further support the Government are offering schools to help them deal with children’s mental health issues?

**Jackie Doyle-Price:** My hon. Friend will be aware that we have brought forward proposals to have a mental health lead in all schools. We are also introducing a brand new workforce to support schools and improve mental health provision. The first wave of staff are being recruited for training now, and we have 210 applicants for the first wave of places.

Mr Ben Bradshaw (Exeter) (Lab): To mark the 30th World AIDS Day on Saturday, will the Government commit to a more ambitious, but completely achievable, target of ending all new HIV infections by 2030?

**Matt Hancock:** I join the right hon. Gentleman in celebrating World AIDS Day and ensuring that we redouble our commitment to making sure that we do everything we can. I will certainly look into the precise commitment that he asks for to make sure not only that it is deliverable but that we work not just here but around the world to end this scourge.

Kevin Hollinrake (Thirsk and Malton) (Con): Everyone in this place has lost someone close to them to the terrible and terrifying disease that is cancer. How will the NHS 10-year plan help to improve detection rates?

**The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine):** The Prime Minister will set out our ambition that three quarters of all cancers will be diagnosed early, up from just half today. Our cancer survival figures are our best ever, but we do not have world-class outcomes yet, as we must and want to. That is why early diagnosis will be absolutely at the heart of the NHS long-term plan—for instance, in radically overhauling the screening programmes that the Secretary of State mentioned earlier.

Mr Speaker: I do slightly worry about the staying power of some colleagues. I will not say who, because it would be unkind, but there was a Member I was about to call who has beetled out of the Chamber. People have got to be a bit patient.

**MRS Emma Lewell-Buck** (South Shields) (Lab): South Tyneside District Hospital recently surpassed targets for waiting times, yet this Government’s forced cuts under the guise of sustainability and transformation plans have left my constituents fundraising to fight the downgrading of key services in court next month. Why is the Secretary of State presiding over this destruction by stealth of our high-performing hospital and the NHS?

**Matt Hancock:** Of course, the STP proposals have to be clinically led and consulted on and discussed with local people. It is right that the allocation of services and exactly how they are configured locally is led locally, so that we can get the best services to people in Tyneside and across the country.

Tom Pursglove (Corby) (Con): In England, over 80,000 people have a stroke each year and about 20% of them die within a year. Can my right hon. Friend reassure me, the House and my constituents in Corby and East Northamptonshire that he not only wants to drive down that figure but has a plan to do so?

**Steve Brine:** Yes, I can. I feel very passionately about stroke and the impact that it has on people’s lives and the health service. We are working very closely with the Stroke Association to develop the new national plan for stroke in England as part of the long-term plan. That plan will build on the success of the Department’s stroke strategy, which ended last month, and look at how we can improve stroke care across the pathway. It will also, critically, include prevention so that we can protect more people from stroke in the first place.

**Stephanie Peacock** (Barnsley East) (Lab): Despite the Government’s reassurances on the new NHS pay deal, it has left one of my constituents actually taking less money home at the end of the month and being required to pay money back. When I wrote to the Department, the Minister had the audacity to simply respond with a generic factsheet. Does he think this acceptable, and if not, will he give a meaningful reply to my constituent, who has done 30 years in the NHS?

**Matt Hancock:** Yes, of course. We value everybody who works in the NHS. I would love the hon. Lady to take up this individual case with me directly, and I am very happy to look into it.

Andrea Jenkyns (Morley and Outwood) (Con): I have recently been contacted by a constituent who works as a paediatrician in a nearby hospital. Last Friday, tragically, a baby died in their ward. The cause of death is unknown. Owing to the lack of a coroner service at the weekend, the baby had to stay for three nights with breathing tubes fixed in. For the parents, these are the last memories of their child. What steps will the Minister be taking to guarantee that the seven days NHS requirement also applies to coroners and histopathologists?

**Matt Hancock:** My heart goes out to the parents of this child, my hon. Friend’s constituents, as I am sure it applies to coroners and histopathologists.

**John Woodcock** (Barrow and Furness) (Ind): Is not the Secretary of State alarmed that fake psychiatrist Zhulia Alemi was revalidated in 2013 under the supposedly strengthened revalidation process? Why did the Government not act on the findings of the Sir Keith Pearson report in January last year, which pointed out this exact weakness in the system?

**Stephen Hammond:** The hon. Gentleman raised that broader point, too. I am meeting the Justice Secretary on this topic to discuss what further we can do. It is technically a matter for the Ministry of Justice, but I understand entirely why we need to work together to make progress.

**Robert Courts** (Witney) (Con): I welcome the new early diagnosis ambition for cancer, but does the Minister agree that for the people of West Oxfordshire, this is about delivery and having the people available to implement the strategy that he has worked so hard to produce?
Steve Brine: My hon. Friend is spot on, as always. Just last week, I spent time with the heads of all 19 cancer alliances in England, which are doing so much to deliver the strategy on the ground, including his Thames Valley cancer alliance, led by Bruno Holthof of Churchill Hospital in Oxford. The alliance was clear that we need more people across the board in “team cancer”, as I call it, and that is right. We especially need more radiographers, and we are working through that with Health Education England in the beyond 2021 plan.

Ruth George (High Peak) (Lab): Today’s report on the amount of police time spent dealing with emergency mental health cases without support from mental health professionals is echoed by police in my constituency, who say that it takes up almost 40% of their time. Will the Government recognise that this crisis should not be dealt with by police officers, far less in cells, and sort it out?

Jackie Doyle-Price: First, I pay tribute to the work that the police do in dealing with people who are in mental health crisis. They view it as part of their core work, but clearly they should not be picking up the slack where services do not exist. I am working closely with the police service and other interested parties to ensure that we have sufficient crisis care, to enable the police to discharge their responsibilities adequately and in a safe way. We will continue to do that.

Kevin Foster (Torbay) (Con): My constituent Alice Sloman died during what should have been a routine MRI scan, following complications with the general anaesthetic that had been administered to her. Will the Minister agree to meet me and Alice’s parents to discuss the possibility of people, particularly those with existing conditions, having routine heart checks before such procedures?

Stephen Hammond: The Government express sincere condolences to my hon. Friend’s constituents. I would of course be happy to meet him and his constituents.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Will the Minister support Plymouth’s Peninsula Dental School in training more dentists and encourage use of the underspend in the south-west dental spending pool?

Steve Brine: Yes. I would be interested to hear more about anything that can increase access to dentistry in the hon. Gentleman’s part of the world.

James Cartlidge (South Suffolk) (Con): Next year marks 10 years since the passing of the Autism Act. What more can the Government do to support people who suffer from autism?

Caroline Dinenage: To mark the fact that it will be 10 years since the Autism Act was passed, we will start a formal review of that piece of legislation and the autism strategy, to ensure that they remain fit for purpose and heading in the right direction.¹

Hannah Bardell (Livingston) (SNP): My constituents Kirsteen and Wilma Ord have had their lives blighted by the Primodos hormone pregnancy drug. The review that the Government undertook was a whitewash, and now the further review, led by Baroness Cumberlege, will focus only on people in England. She has said that she will consult groups in Scotland, but drug regulation is reserved. What will the Minister do to promise that my constituents will not be let down again?

Jackie Doyle-Price: I met Baroness Cumberlege just last week, and I know she would be open to hearing representations from constituents in Scotland, to add to her understanding of this issue. We are determined to make full use of that review, so that we can learn lessons from this tragedy.

Several hon. Members rose—

Mr Speaker: Order. I am sorry, but we must now move on.

¹[Official Report, 29 November 2018, Vol. 650, c. 4MC.]
Ukraine-Russia Relations

12.38 pm

Mr John Whittingdale (Maldon) (Con) (Urgent Question): To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on Russian action in the sea of Azov and the subsequent declaration of martial law in parts of Ukraine.

The Minister for the Middle East (Alistair Burt): I thank my right hon. Friend for his question. As my right hon. Friend the Foreign Secretary stated yesterday, we condemn Russia’s aggression against the Ukrainian vessels that sought to enter the sea of Azov on 25 November. We remain deeply concerned about the welfare of the Ukrainian sailors detained by Russia and call for their release urgently. Russia has again shown its willingness to violate Ukraine’s sovereignty, following the illegal annexation of Crimea and the construction of the Kerch bridge.

The United Kingdom remains committed to upholding the rules-based international system, which Russia continues to flout. Our position is clear: Russia’s actions are not in conformity with the United Nations convention on the law of the sea or the 2003 Russia-Ukraine bilateral agreement, which provides for free passage in the sea of Azov, including for military ships. The United Kingdom ambassador reiterated that position at emergency meetings held yesterday at NATO, the European Union, the Organisation for Security and Co-operation in Europe and the UN Security Council.

In response to Russian aggression, the Ukrainian Parliament agreed to impose martial law in 10 Ukrainian regions for 30 days, commencing at 09:00 local time on 28 November. We welcome President Poroshenko’s reassurances that martial law will not be used to restrict the rights and freedoms of Ukrainian citizens, and that full mobilisation will be considered only in the case of further Russian aggression. We also welcome the Ukrainian Parliament’s resolution confirming that presidential elections will go ahead on 31 March 2019.

Mr Whittingdale: Does my right hon. Friend agree that this represents a serious escalation of the ongoing conflict between Russia and Ukraine, which has already led to over 10,000 deaths in Donbass since 2014? Will he recognise that we, as signatories to the Budapest memorandum, have a special responsibility? May I therefore welcome the support we are already giving, including the announcement by the Defence Secretary, following his own visit to Donbass very recently, that we will be deploying HMS Echo to the Black sea in 2019?

Yes, he refers to a serious escalation that the recent incidents have illustrated, and the UK Government absolutely agree with him on that. I am pleased that he mentioned the recent visit of my right hon. Friend the Defence Secretary. On other proposals, we have no plans to change our conduct of activity in the area.

My right hon. Friend asked whether this is a breach of international law. The United Kingdom’s assessment is that, under the UN convention on the law of the sea, states can require any warship not in compliance with the laws and regulations of the coastal state to leave immediately. However, Russia’s actions in ramming, boarding and seizing vessels do not conform with the law of the sea. Russia’s actions were disproportionate, particularly as the ships had left the area and were returning to the Black sea. The 2003 sea of Azov bilateral treaty between Ukraine and Russia provides for the free passage of the military and civilian vessels of both states through the Kerch strait and in the sea of Azov, so my right hon. Friend is right to suggest that this is a breach of international law. I know the Prime Minister has today received a request to speak to the Ukrainian Prime Minister and that, in her busy timetable, she will be giving that urgent consideration.

On sanctions, measures have been taken in the past in relation to previous activity by Russia and sanctions were recently considered in relation to both the Crimea annexation and of course the building of the Kerch bridge. Any further sanctions will be considered in co-operation with European partners and others. It is very important that there is a sense of unity in response to what has taken place. The United Kingdom was active in calling a meeting of EU partners yesterday, and the other meetings that took place also saw a very strong response from the United Kingdom and others.

The House is right to see this as a serious matter, and it is important that it is not escalated further. That is why we have indeed called for the immediate release of the sailors, and we ask that all parties act with restraint but certainly recognise where the act of aggression came from in the first place.

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): Thank you, Mr Speaker, for granting this urgent question. I also thank my right hon. Member for Maldon (Mr Whittingdale) for securing it. The shadow Foreign Secretary, my right hon. Friend the Member for Islington South and Finsbury (Emily Thornberry), sends her apologies for not being here to respond, but she is attending the annual lunch of the Labour Friends of Israel.

The events of the past 48 hours have been deeply troubling for all of us who want to see a return to peace, stability and the rule of law across the whole of Ukraine. Instead, incidents such as this make an already intense situation worse and risk widening the conflict. As the NATO spokesman said yesterday, we need to see calm and restraint on both sides and we need both sides to commit to de-escalation. In particular, Russia must abide by international law, as the Minister just stated, which means allowing Ukrainian ships unhindered access to Ukrainian ports on the sea of Azov. There is no excuse for blocking that access, let alone firing on the ships and seizing them. Will the Minister confirm whether he or his colleague will speak to their Russian counterparts and make clear when that discussion will take place?
At the same time, it has been worrying to see the reaction of the Ukrainian Government in declaring martial law. The Minister has said that he has secured agreement from the President that that will not lead to a cessation of any elections that are due to take place in the new year. While these issues are going on, proper democratic structures need to continue robustly to entrench Ukraine on the democratic footing from which we want it to move forward.

The Minister will agree that if the elections do not take place, that will be a backward step—not just for democracy, but for peace, stability and the rule of law, which we want to see across the whole of the region.

Alistair Burt: I am grateful to the hon. Gentleman for his recognition that the Government’s basic position on international law and our response to this are correct. This recent action has come on the back of further disruption over a lengthy period. Since May 2018, Russia has conducted more than 200 stop-and-search boarding operations of civilian vessels transiting to or from the Ukrainian industrial ports of Mariupol and Berdyansk. The regularity of these boardings has increased over the summer, with Russian border guards deliberately delaying merchant vessels transiting the Kerch straits, and this activity culminated in what we saw the other day. It is important for there to be a strong and united international action.

The hon. Gentleman mentioned what he called a “worrying” response from Ukraine; I am not sure I would necessarily say that. In response to aggression from Russia, the Ukrainian Parliament has taken its own decision to impose martial law in 10 Ukrainian regions for 30 days. Bearing in mind the pressure that Ukraine is under, I should have thought that the position of this House would be strongly to support Ukrainian responses in situations of difficulty.

The United Kingdom did not secure President Poroshenko’s reassurance that martial law would not be used to restrict rights and freedoms—that decision was made absolutely by Ukrainian authorities; we did not need to secure it. I can reassure the hon. Gentleman and the House that the Ukrainian President also made the decision that elections would be unaffected on 31 March, so continued progress in relation to the democratic principles may continue.

We support the action that Ukraine has had to take in relation to this aggression, and our concern about Russia’s international position is clear, which is why we welcome the calls for de-escalation so that these matters do not get worse.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I congratulate my right hon. Friend the Member for Maldon (Mr Whittingdale) on securing this urgent question. First, let me be clear that we in the Scottish National party absolutely condemn the aggressive actions of Russia and its clear violation of international law. We join the Minister in calling for_constraint and Russia to de-escalate the situation immediately, and we are indeed discussing with partners what concrete measures we can collectively take in response to Russia’s actions.

The EU has recently strengthened sanctions related to Crimea by listing individuals and entities responsible for the construction of the Kerch bridge, which connects Russia with illegally annexed Crimea. By acting in unity with our allies and partners, in the UN and the EU, we can achieve much.

Stephen Gethins (North East Fife) (SNP): I, too, thank the right hon. Member for Maldon (Mr Whittingdale) for securing this urgent question. First, let me be clear that we in the Scottish National party absolutely condemn the aggressive actions of Russia and its clear violation of international law. We join the Minister in calling for_de-escalation and Russia to de-escalate the situation immediately, and we are indeed discussing with partners what concrete measures we can collectively take in response to Russia’s actions.

We know that Ukraine is aware that we are stronger because of respect for human rights, the rule of law and the right of opposition to question Governments. That is something Russia fails to understand—not just in Ukraine, but in the Russian Federation. Will the Minister set out what work is being done with European partners, given our relationship and how important Ukraine is to EU security? Will he set out what his co-operation is with EU partners? Will he also set out more details on how he is looking at individual sanctions, which have been mentioned?

Alistair Burt: I am very grateful for such a clear statement from colleagues on the other side of the House—in particular, the condemnation of Russia’s actions and the unequivocal call for the urgent release of the sailors. We welcome that. I thank the hon. Gentleman also for the support he gives to our ambassadors, not only in the region but at the UN, where Jonathan Allen made a particularly strong statement at the Security Council on this matter yesterday.

On the hon. Gentleman’s questions, the EU Political and Security Committee is meeting today to consider the EU’s practical response. As I said earlier, we are
discussing with partners what concrete measures we can collectively take in response to Russia’s actions. He can be in no doubt, because of the clear statement by the Foreign Secretary yesterday and clear statements made by ambassadors, that we will continue to do exactly what it takes to try to de-escalate the situation but make clear where we believe the fault lies.

Mr Speaker: I think the question was a rhetorical one, and therefore it requires an even shorter reply than the Minister might otherwise be inclined to offer to the House.

Alistair Burt: I will offer a very brief answer, but first, let me say that I am sure that the whole House welcomes the fact that the hon. Lady is the new president of the NATO Parliamentary Assembly. We all congratulate her on that. It is a singular honour for not only her, but this House, and we know that she will conduct herself extremely well. The way in which she put her question and the issues that she raised demonstrated that she has a very clear grasp of the facts, and she will be an important addition in that role.

Sir Michael Fallon (Sevenoaks) (Con): Will Ministers look again at what further practical assistance we can give to Ukraine, either by increasing our military training or, given Russia’s interference with maritime trade in the sea of Azov, by helping to strengthen vulnerable ports such as Mariupol by, for example, improving the railway links? That will make it less vulnerable to Russian pressure.

Alistair Burt: As luck would have it, I have some information here about the UK’s support to Ukraine, and I fully support my right hon. Friend’s comments. The UK is providing some £30 million this year to Ukraine to support a range of areas, including governance reform, accountability, communications and human rights. The UK is also providing £14 million in relation to conflict, security and stability projects to bolster Ukrainian defence reform. We have provided up to £3 million of new funding this year for developing independent media and countering Russian disinformation, alongside £2 million provided through existing projects. The Defence Secretary was there recently, as my right hon. Friend will know, and he is having further talks with his US counterpart this weekend. On practical support for Ukraine, including on the defence side, the UK will certainly continue to be committed to Ukraine’s independence, sovereignty and territorial integrity. Defensive non-escalatory military training delivered through Operation Orbital is fundamental to that support.

John Woodcock (Barrow and Furness) (Ind): President Putin’s actions have redrawn, by force, the borders of a European nation for the first time since the second world war, and we must never forget or normalise that. We are discussing just the latest in a series of acts of aggression, so will the Government commit to ensuring that they will do everything they can, and to ensuring that their influence on other European nations will not be lessened when—if—the UK comes out of the EU next year?

Alistair Burt: The hon. Gentleman, who has great knowledge of these matters, puts it extremely well. He references the latest in a pattern of acts of aggression, and welcomes the UK’s support in responding to it, in co-ordination with others. He can take it from me—I say this very clearly—that there will be no diminution in our support and our working with European partners, no matter what happens in relation to other events next year.

Tom Tugendhat (Tonbridge and Malling) (Con): May I, again, thank you for giving adequate time to this urgent matter, Mr Speaker? This is not the first time we have found ourselves discussing Russia’s pariah nature in this House, nor is it the first time we have seen Russia committing acts of aggression—or, indeed, warlike acts—against countries in the region. We have even debated its warlike acts in our own country. So this is a matter not about a foreign nation about which we know little, but about ourselves and our own security.

Does my right hon. Friend the Minister agree that every time we see one of these acts, we see a moment of Russian weakness being expressed through violence, we see a falling oil price being covered up by an act of aggression, and we see riots about the pensioners who have been stripped of their assets by this brutal regime being covered up by further acts of war? Does this not mean that we must stand with the Russian people? We must stand with the democrats, the journalists and the civic activists in Russia, and defend their interests. By doing so, we stand against those who seek to profit from them—not only the warmongers, but those in our own House, even, who are profiting from Russian business in this country and in the United States.

Alistair Burt: My hon. Friend the Chair of the Foreign Affairs Committee makes a series of strong and clear points. He sets out again the concerns the UK shares about a series of actions that has also caused concern abroad. He also made the wider point about the impact of actions on the people of Russia. I should add that Ambassador Jonathan Allen concluded his statement on Ukraine yesterday by saying:

“As my Prime Minister recently made clear, like others here today we remain open to a different relationship with Russia: one where Russia desists from these attacks that undermine international treaties and international security and desists from actions which undermine the territorial integrity of its neighbours and instead acts together with the international community to fulfil the common responsibilities we share as Permanent Members of the United Nations Security Council. And we hope that the Russian state chooses to take this path.”

He sets out clearly why that should be the case, and why a different relationship is open to Russia, but it must entail a change in behaviour.

Mrs Madeleine Moon (Bridgend) (Lab): I welcome the Minister’s statement. I particularly welcome the description of the ongoing and consistent provocative actions. This has not been an isolated incident; this has been happening and escalating for some time. I endorse the call for unity, calm and restraint, but we must be aware that Russia is seeking other consequences: a wider destabilisation of the region. It is important that we in this House and across the NATO alliance are unified in calling not only for freedom of navigation, and for the release of the ships and the sailors, but for Russia to understand that actions have consequences. We need to be willing to stand by those consequences.
Dr Andrew Murrison (South West Wiltshire) (Con): In 2015, following a great deal of international pressure, France cancelled two Mistral-class amphibious assault ships that were destined for Russia because of the situation in Ukraine. What more will be done at the European Union Political and Security Committee, to which the Minister referred, to impress on our European partners in particular that it is wholly unacceptable at this time to be engaging with the Russian Federation on arms sales?

Alistair Burt: I am grateful to my hon. Friend for his description of what happened. He emphasises how important it is for united and collective action to be taken on this issue. It is important that nations work together on this, and his comments about dealing with the sort of supply that was involved with Mistral are well taken. The United Kingdom will be pressing this point to the various committees that we are attending as we speak.

Stephen Pound (Ealing North) (Lab): The Foreign Secretary made an extremely powerful and well received speech yesterday at the launch of the holodomor exhibition, sponsored by the hon. Member for Mid Derbyshire (Mrs Latham), in which he referred to the close, supportive relationship between the United Kingdom and Ukraine. In that context, will the Minister agree to send on behalf of the House our profound sympathy and support to the friends and families of all the sailors who have been injured and imprisoned illegally? What assistance can we offer in the elections in March to support the restraint shown by President Poroshenko?

Alistair Burt: I thank the hon. Gentleman for mentioning the Foreign Secretary’s appearance at the holodomor event; it matters greatly to the United Kingdom and the Foreign Secretary, which is why he was there. The hon. Gentleman’s message of support to the families caught up not only in this detention but in others is well made, and it will certainly be conveyed to them. On support for governance, we are already providing £11 million to support reform in Ukraine through the good governance fund, and there are a wide range of programmes to help Ukraine drive forward governance, economic and political reform, and promote greater accountability and transparency. All that will help to make sure that the election process is exactly what this House would expect.

Theresa Villiers (Chipping Barnet) (Con): Sadly, Ukraine suffered hugely at the hands of the Russian and Soviet authorities in the last century, including through the unspeakable cruelty of the holodomor. Does my right hon. Friend share my sense of sadness that in the modern era, when we really all should know better, Ukraine is again on the end of unjustified violence and aggression from Russia?

Alistair Burt: My right hon. Friend’s concerns are echoed throughout the House. The support for Ukraine in its present difficulties is well expressed both by Members and the actions of Her Majesty’s Government.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): For six months, Russia has been stopping and inspecting vessels entering and leaving Ukrainian ports in the sea of Azov. That leads to delays and greatly increased costs, and it affects not only Ukrainian vessels, but those flying EU flags. Will Her Majesty’s Government first make the strongest representations to Russia that it should desist from this practice, and secondly seek legal advice on what financial recompense the owners of these ships can seek?

Alistair Burt: I am grateful to the hon. Gentleman for his question. On the economic damage, we estimate at present that Mariupol and Berdiansk have seen economic throughput reduce in their ports by some 43% and 30% respectively in the past nine months, so the actions that he referred to have had a profound effect. I am not personally aware of the legal position on redress, but I am sure that the United Kingdom Government will do anything that they can to provide support.

James Gray (North Wiltshire) (Con): HMS Echo is due to be deployed to the Black sea in the new year in support of Ukraine. She is a lightly armed oceanographic survey vessel. Would not it be a strong message to Russia if we were to bring that deployment forward, and perhaps also, without any form of escalation, consider deploying her to the Azov sea?

Alistair Burt: I am not aware of any plans to change any of the deployments that have been planned and considered. Of course, while we must continue to do exactly what we have said we will, no one is looking for any escalation in these circumstances.

Jim Shannon (Strangford) (DUP): Ukraine-Russia relations have deteriorated to an all-time low. There have been evidential reports of the persecution of Christians in eastern Ukraine, occupied by Russia. Pastors of churches have gone missing and nobody knows their whereabouts, and churches have been desecrated and destroyed. I ask the Minister gently: has he had the opportunity to highlight and raise these issues with Russia, and to confirm support for Ukrainian citizens expressing their faith and worshipping their God in the way they wish to?

Alistair Burt: I am grateful for my hon. Friend’s question; no one could be a more determined supporter not only of the rights of Christians in other countries, but of freedom of belief and religion for all, which he champions. The United Kingdom believes that Russia must uphold its obligations under international humanitarian and human rights law, and we call on Russia to release immediately over 70 political prisoners detained in Russia and Crimea. I will ensure that his comments about minority faith prisoners and detainees are conveyed to the Minister responsible.

Sir Desmond Swayne (New Forest West) (Con): Who benefits?

Alistair Burt: No one benefits from actions that are contrary to international law. No one benefits from disruption. The only people who benefit are those who can demonstrate a clear and concise response to such aggression in an effort to return the world to a rules-based system, where there will be de-escalation, and collective security for all because it is not provoked by unreasonable actions.
Mr Speaker: I hope that the right hon. Member for New Forest West (Sir Desmond Swayne) will have his question framed, but I give him due warning: if he does not, I will.

Stewart Malcolm McDonald (Glasgow South) (SNP): To follow the point made by the hon. Member for North Wiltshire (James Gray), would it not be better to revisit that deployment—not necessarily its time or place, but the type of ship that we send? HMS Echo is a survey ship. Would it not be better to send a ship that can defend itself in these waters, given the events at the weekend? Do those events not also show that it is time for Her Majesty’s Government to have a more muscular and robust policy on Nord Stream 2?

Alistair Burt: The Under-Secretary of State for Defence, my right hon. Friend the Member for Bournemouth East (Mr Ellwood), is sitting next to me, assures me that the survey ship HMS Echo has appropriate armament, but we have to be very careful. I make it clear that there is no change planned to any deployments at this stage, which is important, and I have no instructions on any such action, but it would have to be considered extremely carefully. What the United Kingdom wants to do is stand up for international law, urge others to do the same, see a release of the sailors who have been detained, make it very clear to Russia what it is doing by risking the actions that it is taking and, while not seeking to escalate anything further, be very firm in supporting an international response, because we must see an end to these actions.

Mary Robinson (Cheadle) (Con): There is real concern that the escalation of Russian action in Crimea will lead to real human suffering, and much more of it. What more can be done to ensure access to Crimea for the United Nations High Commissioner for Human Rights, so that they can look into this?

Alistair Burt: My hon. Friend is right: we are very keen for that access to be given, and it is unfortunate that it has not been. Colleagues at the United Nations mission in New York will certainly continue to make this point very strongly.

Nick Thomas-Symonds (Torfaen) (Lab): More than two years have elapsed since Ukraine referred the issue of access to the sea of Azov to the International Court of Arbitration at The Hague. Why does the Minister think that the process has taken so long, and what can he do to try to speed that up to a conclusion?

Alistair Burt: As a former lawyer, I have only a possible explanation of why some of these things—particularly, technical actions in respect of the law of the sea, where claim, counter-claim and many other things need to be discussed—take so long. I have no specific information about why this in particular has taken so long, but the Minister for Europe and the Americas will respond to that by letter. If these claims cannot be decided and international arbitration does not work, the international rules-based order falls to the ground, so it is to the benefit of all states—even those who feel that a resolution might not be to their advantage—to do everything in their power to see these matters resolved.

Mr Bob Seely (Isle of Wight) (Con): The Minister has eloquently told us what the FCO thinks the situation is. Will he explain what the FCO thinks the situation may become? Is what has happened recently just a continuation of low-level aggression? Is it a ramping up of economic warfare by a blockade of Berdiansk and Mariupol? Or is it part of a shaping operation for a more violent assault on Mariupol? If it is one of the last two, what contingency measures is the FCO thinking of taking?

Alistair Burt: I know that my hon. Friend has a deep-rooted knowledge of this subject, but he asks the UK Government to speculate on a series of potential outcomes, which I do not think would be wise. The point of his question, however, is to illustrate that from the actions already taken there could be further more serious consequences. Given the concern with which he asked his question—concern that I am sure is echoed by the House—I should be very clear that the UK does not want further escalation. Risks have been taken in the actions we have seen, and it is essential, if those risks are to be de-escalated, that Russia recognises its actions and the concern they have caused, and changes them.

Carol Monaghan (Glasgow North West) (SNP): We know that Russia has been flexing its muscles across the Black sea region for quite a while now, so it was disappointing that the Black sea was not a specific agenda item at the NATO summit in Brussels in July. Can the Minister assure the House that he is pushing NATO allies, including Turkey, which has in the past shown sympathy for Russia, to develop a coherent NATO strategy for the Black sea?

Alistair Burt: As I indicated earlier, there were meetings yesterday of the UN Security Council, NATO, EU and the Organisation for Security and Co-operation in Europe. I cannot give a clear answer, because I do not know the technical answer, but given the current level of aggression in the Black sea and the degree of concern raised, and given that the international community responded so quickly yesterday, I suspect that the Black sea is very much a topic of concern. It certainly is for the UK, and it will indeed be pressed.

Leo Docherty (Aldershot) (Con): What are we doing to keep open the Kerch strait?

Alistair Burt: As far as I am aware, the strait is open, but it will be essential to demonstrate that there is free passage without hindrance, and in the near future all actions will be carefully scrutinised. There are ways of ensuring a good international presence and that sea lanes stay open, but any action must be taken collectively. My hon. Friend’s point was well made.

Stephen Kinnock (Aberavon) (Lab): The Minister has done an excellent job, as always, of answering our questions, but this does smack a little of complacency. Let us remember that 10,000 people have died in the Ukraine conflict, and that Ukraine has been crying out since 2014, since the annexation of Crimea, for us to do something about the sea of Azov. Its economy is being strangled by the economic blockade. What measures are being taken to support the Ukrainian economy? Is it very welcome that the House passed the Magnitsky
amendment, but what steps have been taken, if any, to follow up on that amendment, to draw up a list of individuals who should be sanctioned, and to put the amendment into practice? To date, we have little or no evidence of the Government doing anything about that.

**Alistair Burt**: In all fairness, the fact that I answer carefully and honestly in relation to these actions must not be considered any form of complacency. I am keen to set out for the record the action the UK has already taken in response to this incident: our convening of the EU meeting, the meetings at the UN, NATO and the OSCE, the clear statement by the Foreign Secretary yesterday, the statement by Jonathan Allen at the UN Security Council, and the work already done on sanctions, including the sanctions on individuals, and the sanctions following the annexation of Crimea and the construction of the Kerch bridge. In addition, the EU’s Political and Security Committee is meeting today, and further action is being considered in company with others. All that is a clear and definitive response to what has happened. Action has been taken against individuals, and further action can be considered, but the point I was making was that collective action was the most important thing. The international condemnation is clear. There is no complacency in anything I have said.

**Helen Whately**: (Faversham and Mid Kent) (Con): This latest act of aggression is yet another reminder that Russia does not care about rules, and only about realpolitik. That fact must inform the UK’s approach. Will my right hon. Friend say more about the steps we are taking together with our allies to make sure that Russia is practically deterred from further action?

**Alistair Burt**: I hope that the actions the UK has taken quickly, in convening meetings of states and speaking very clearly at the UN Security Council yesterday—I commend to the House the statement by our deputy permanent representative Jonathan Allen yesterday, and I will make sure that a copy is placed in the Library so that colleagues can see it—made clear our concerns, and how we are using our international position and our position on various bodies to bring other states together, because collective action is needed.

**Chris Law**: (Dundee West) (SNP): The Russian ambassador to the UN, Dmitry Polyanskiy, claims that Ukrainian ships “illegally crossed Russia’s border” and that the “responsibility lies with those who gave the illegal order”. This completely ignores the fact that the Kerch strait and the sea of Azov are shared territorial waters, as designated by a 2003 treaty. Will the Minister call on Russia, both directly and through the EU, to allow the backlogged civilian cargo ships to pass through the Kerch strait, as they are legally permitted to do?

**Alistair Burt**: We do not agree with the interpretation of the law of the sea offered yesterday at the UN Security Council. The deputy permanent representative said about the action and the use of military force: “This further demonstrates Russia’s ongoing contempt for Ukraine’s sovereignty and territorial integrity and its contempt for the global rules-based international system which this organisation serves to uphold”.

The Government fully support that statement.

**Andrew Bridgen**: (North West Leicestershire) (Con): What representations were made to the Russians during their illegal construction of the Kerch bridge, the completion of which has allowed President Putin to tighten his grip on the whole region and precipitated this latest illegal act?

**Alistair Burt**: I do not have that information, as I was not in this position at the time, but I can make it very clear to the House, as I did earlier, that action was certainly taken subsequently by way of sanctions imposed on those responsible for the building of the illegal bridge. I have no knowledge of what representations were made at that time, simply because I was not there.

**Nick Smith**: (Blaenau Gwent) (Lab): I congratulate the Minister on his calm and measured tone. Does he know whether there will be any NATO vessels in attendance to provide mutual support to HMS Echo when it is in the Black sea in the new year?

**Alistair Burt**: I understand from the Under-Secretary of State for Defence, my right hon. Friend the Member for Bournemouth East (Mr Ellwood), that there are NATO vessels in the area, but I am not aware of any particular deployment to support HMS Echo. That would be a matter for further consideration.

**Mr Ian Liddell-Grainger**: (Bridgwater and West Somerset) (Con): As the Minister is aware, I sit on the Council of Europe, which Russia is trying to get back into. Will he please ensure that serious consideration is given in the Council of Ministers, through our representative there, to only allowing the Russians back if they fulfil their national and international obligations and do not break them?

**Alistair Burt**: My hon. Friend’s intervention makes clear what the House wants to see. The House is not in conflict with the people of Russia, but as the deputy permanent representative made clear yesterday, actions taken by Russia make it difficult, if not impossible, to have the sort of relationships that are necessary and that my hon. Friend is looking for. The UK is open to that and urges Russia to respond to international concerns and to set out to our mutual advantage a new relationship with other states based clearly on a rules-based international system.

**John Grogan**: (Keighley) (Lab): As well as the exhibition in the House, does the Minister agree that it is resonant that last weekend there were many commemorations of the holodomor across the UK, including in St Anne’s cathedral in Leeds, and that one lesson is that just as fearless independent journalism was needed in the 1930s from people such as Gareth Jones and Malcolm Muggeridge to expose the holodomor, so it is now needed to expose the fake news coming from the Kremlin?

**Alistair Burt**: As I mentioned earlier, we are supporting the provision of money for journalism that is based on the truth and counters disinformation, but the hon. Gentleman’s remarks about the importance of investigative journalism are clear. We support the actions of correspondents who go to the most difficult areas of conflict at great personal risk, and we support campaigns designed to make sure that journalists are not targets.
Mr Jonathan Djanogly (Huntingdon) (Con): Incredibly, Russia still denies having a military presence in Ukraine, although we know that Russian troops and tanks are there in very significant numbers taking part in a war that is claiming some dozen Ukrainian lives every week. Now that we have seen this blatant, unacceptable and proven act of Russian aggression, can my right hon. Friend confirm that the UK will take firm action, including the provision of hard military support?

Alistair Burt: As I have reiterated throughout, it is essential that responses are co-ordinated and collective. The United Kingdom has made its position extremely clear at the United Nations, in collective meetings today and yesterday, and in the Foreign Secretary’s statement. We will work in concert with our partners in seeking to reverse these actions and achieve our objective, which is stability and mutual security in the region—mutual security that is based on respect for territorial integrity and a rules-based international system.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): On the back of the Russian Federation’s illegal and immoral actions in Ukraine, the President of Ukraine is flirting with martial law. Once assumed, martial law powers are rarely given up willingly, and unconsolidated democracies that take them rarely survive. In that context, can the Minister assure the House that the links between the President of Ukraine and Vladimir Putin’s right-hand man, Viktor Medvedchuk, will be fully investigated and exposed, and that we, as a member of the European Union—while we still are—will fully push the rest of the European Union to get its act together and ensure that more solid sanctions are imposed on the Russian Federation?

Alistair Burt: As I mentioned earlier, the imposition of martial law by the Ukrainian Parliament was announced yesterday, and will come into effect tomorrow at 0900 hours. We welcome what the President said in relation to the limitation of those powers, and we are monitoring very carefully what the impact and effects may be.

Mr Philip Hollobone (Kettering) (Con): Sending an oceanographic survey ship sometime in 2019 does not exactly strike me as a robust response to Russian aggression against a friendly state. Russian ships and submarines go up and down the English channel unimpeded all the time. Can the Minister tell the House whether a NATO ship has ever gone under the newly constructed Kerch strait bridge, and when the next NATO vessel will visit the sea of Azov?

Alistair Burt: I am grateful to my hon. Friend for asking such detailed questions. I do not have that information, but I will ensure that he is written to.

Mr Speaker: Thank you. I hope that we will have a copy in the Library of the House.

Alistair Burt: A copy will be placed in the Library of the House at your request, Mr Speaker.

Mr Speaker: What a rich choice—I call Mr Kevin Foster.

Kevin Foster (Torbay) (Con): Thank you, Mr Speaker. There was the usual contest for last!

The Minister will be aware of the many parallels with past situations. Vladimir Putin’s approach seems similar to the process of heating a frog in water: if he keeps pushing up the heat, it will not produce an instant reaction. Can the Minister reassure me that he is talking to other nations about what will happen if Putin continues to push down this power? We obviously do not want to see an escalation, but let us be clear that it is Russia that keeps escalating these situations.

Alistair Burt: I know from my experience in other parts of the international field that what my hon. Friend has said is correct. There is always concern if a state seeks to demonstrate its power through means that are questionable, or sometimes downright illegal. States will sometimes push the envelope. The risk is that at some stage there will be a miscalculation and a confrontation. The United Kingdom will do all in its power to prevent such a thing, but the risk is taken by others, and my hon. Friend’s point is well made.

Robert Courts: Persistent attempts to destabilise Ukraine’s economy are clearly unacceptable. What further practical assistance can we offer Ukraine?

Alistair Burt: As I illustrated earlier, there is direct support for economic reform in Ukraine and direct support to assist other reforms, including those relating to good governance and technical matters. Support is also being given in relation to information gathering and the need to combat disinformation. In all those respects the United Kingdom’s support is clear, as has been our response to these particular incidents. My hon. Friend may be assured that our concern will continue, and that further support will be made available to Ukraine as and when the United Kingdom judges it necessary.
Minimum Service Obligation
(High Street Cashpoints)

Motion for leave to bring in a Bill (Standing Order No. 23)

1.25 pm

Huw Merriman (Bexhill and Battle) (Con): I beg to move,

That leave be given to bring in a Bill to require banks to provide
cash machines to be made available on designated streets; to
enable local authorities to designate streets that require cash
machines in towns of more than 5,000 residents; and for connected
purposes.

While that may not roll off the tongue, at a time when
2.2 million people in the UK rely almost entirely on
cash it is critical that people can gain access to their
money easily and free of charge, particularly people on
low incomes, older people and people in rural areas.
However, figures show that since the beginning of the
year, free cash machines have been closing at an
unprecedented rate. That has alarmed consumer groups,
the Federation of Small Businesses, and, as their support
for the Bill demonstrates, Members of Parliament.

I was inspired to introduce the Bill by the experience
of residents of Battle, in my constituency in East Sussex.
That historic town was the scene of the battle of Hastings.
In 1066, Norman invaders marched from the constituency
port of Pevensey to give King Harold and his men six of
the best. Nowadays, Battle residents are having to make
a similarly lengthy journey if they merely wish to access,
and spend, the cash in their bank accounts. That is
largely due to the withdrawal from Battle’s High Street
of the big four banks—with them went their cash
machines. The last to go was NatWest.

I wrote to Royal Bank of Scotland, the owner of
NatWest, asking it to retain the cash machine. It refused,
pointing to the 24/7 provision of a machine outside
another store. When that machine, the last 24/7 cashpoint
in High Street, was lost this month, I asked RBS to
reinstate its cash machine or move one up the road from
an out-of-town petrol station. It refused. That demonstrates
the need for the Government to take action and require
the financial services industry to provide at least one
24/7 cash machine in the high street of every town in the
United Kingdom with a population of at least 5,000. I
make that suggestion in the hope that the Ministry of
Housing, Communities and Local Government will
accept it as one of the key strands of the forthcoming
review and remodelling of the high street that was
announced in this year’s Budget.

It may help if I try to put my finger on the reason for
the decline in cash machines, and hence the reason why
intervention in the shape of the Bill is needed. Earlier
this year, LINK, the UK’s largest cash machine network,
announced that it would go ahead with plans to cut its
interchange fee by 20% over the next five years. Hundreds
of free ATMs have already closed as a result. The
interchange fee is the amount that is paid every time a
customer uses a free ATM, which funds the entire
free-to-use ATM network.

The change was designed to reduce the number of
machines in areas where there were too many, while
retaining the geographical coverage of ATMs across the
UK. That has failed. In 2018, analysis of LINK’s initial
announcement—from November 2017 to April 2018—the
rate of cashpoint closures increased significantly. It
went from about 20 a month in 2015 to 300 a month
during that period. LINK’s own figures show that between
January and June this year, 500 cashpoints closed every
month.

In January 2018, the consumer group Which? conducted
a study of ATM provision across the UK, and identified
more than 200 communities with poor ATM provision
or no cash machines at all. The survey also demonstrated
the impact that a potential reduction in the number of
free-to-use ATMs would have on the millions of consumers
who use the network. Overall, it identified heavy consumer
dependency on ATM usage: just under half those surveyed
used a cashpoint at least once a week, while four out of
five said that access to the free-to-use network was
important to their daily lives and payment for goods
and services. The removal of free-to-use access would
leave one in 10 struggling to make payments, shutting
many consumers out of local shops and services. A
reduction would also lead to one in seven being deterred
from using outlets that accept cash only, placing a strain
on consumers and retailers alike.

The threat of ATM closures is particularly pertinent
in the context of widespread bank branch closures
across the country. Research shows that free ATMs are
an important alternative for consumers trying to access
their cash when their local branch closes, but latest
figures show that bank branches are closing at a rate
of 60 a month, leaving people struggling to access the
financial services they rely on across the UK.

The UK has lost almost two thirds of its bank
branches in the past 30 years. According to parliamentary
records, there were 20,583 branches in 1988, but analysis
of current account providers shows that there are just
7,586 today. So far this year 670 branches have closed or
are scheduled for closure, putting us on course to overtake
the number of 2017 closures.

While there has been a decline in cash use, cash
remains immensely popular and important for consumers.
Almost three quarters of adults in the UK say they use
cash at least two or three times a week.

Some might say that cash provision should be taken
up by the post office network. I know that the Government
recognise the important role post offices play by providing
access to cash and banking services. Under the banking
framework, 99% of UK personal banking customers
and 95% of UK business banking customers can do
their day-to-day banking at the post office. That agreement,
in operation since January 2017, marked the biggest
expansion of face-to-face banking access in a generation.
However, post offices and postmasters and postmistresses
do not feel that the banks are remunerating them properly
for these transactions, and I fear that many will stop
providing the service, just as LINK has ceased providing
cash machines.

High street banks have a very special place in
my heart. I spent my vacations during A-levels and
university working as a cashier for Abbey National in
Buckinghamshire. I was responsible for the morning
refill of the cash machine—a job they might not have
given me if they had known I would become an MP.
Many a happy hour was spent with my customers, from
‘accidentally on purpose’ setting off the cashier security
screens when a customer was rude to colleagues, to
repeatedly asking our favourite customer, Mr R. Head,
to produce his identification so that we could roll about on the floor laughing when his driving licence showed his first name to be Richard, to taking a phone call from an irate customer concerned about overdraft charges and then phoning the cheque centre with the opening line of “Some old bag is complaining about racking up charges” only to be informed by the voice at the other end of the line, “This is the old bag speaking. I suggest you reimburse the charges or I will have you fired.” I had rung the customer back by mistake—a schoolboy error.

Fortunately, my pursuit of customer satisfaction improved steadily over the years prior to becoming my constituency MP. When vulnerable constituents, who are the most in need of our support, cannot access their cash and spend it in support of the stores that make up our vibrant high streets, something is not only wrong, but something needs to be done. I therefore recommend that this Bill becomes law.

Question put and agreed to.

Ordered,

That Huw Merriman, Simon Hoare, Stephen Crabb, Kevin Hollinrake, Daniel Zeichner, Dr Sarah Wollaston, Frank Field, John Lamont, Henry Smith, Ian Paisley, Sammy Wilson and Louise Haigh present the Bill.

Huw Merriman accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 25 January 2019, and to be printed (Bill 297).
important strength of our judicial system is the judiciary who work in it and that everything must be done to ensure that we have a broad pipeline of talent so that they continue to be the best in the world?

Mr Gauke: I very much agree. We have a judicial system that is widely respected around the world for its independence and excellence, and that must long continue. I suspect that my hon. Friend is hinting at the question of how we can get more outstanding candidates to apply to the judiciary. It is right that we should address that challenge. He is right to suggest that this is one of our strengths as a country. It will be important in the years ahead as we leave the European Union that our legal system should continue to be widely respected. I believe that there are great opportunities for the UK to become even stronger as a legal centre, and I am keen for that to happen.

Robert Neill (Bromley and Chislehurst) (Con): Will the Secretary of State give way?

Mr Gauke: I will certainly give way to the Chair of the Justice Committee.

Robert Neill: The Secretary of State makes an important point about the balance that needs to be struck in these areas. He has given an example of the use of artificial intelligence being appropriate for the checking of documents, and work on dealing with disclosure parameters has already been successfully piloted by the Serious Fraud Office. Would he concede that there is a distinction to be drawn between those essentially transactional but important operations, such as disclosure searches, and the application of human judgment that should be brought to, for example, a charging decision by the SFO? Does he agree that any determination of the facts or issues of a case should clearly be done by a human judge, having heard the arguments, and that their workload could be slimmed down but not replaced by the use of AI?

Mr Gauke: I agree. I note that my hon. Friends are all very much agree. We have a judicial system that is widely respected around the world for its independence and excellence, and that must long continue. I suspect that my hon. Friend is hinting at the question of how we can get more outstanding candidates to apply to the judiciary. It is right that we should address that challenge. He is right to suggest that this is one of our strengths as a country. It will be important in the years ahead as we leave the European Union that our legal system should continue to be widely respected. I believe that there are great opportunities for the UK to become even stronger as a legal centre, and I am keen for that to happen.

Robert Neill (Bromley and Chislehurst) (Con): Setting aside the whys and wherefores of the Bill, may I invite my right hon. Friend to confirm from the Dispatch Box that the hon. Member for Bromley and Chislehurst (Robert Neill), the importance of skilled individuals will continue to be key, and the Bill will ensure that the time of our most skilled individuals—our judges—is deployed as efficiently as possible.

Nigel Huddleston (Mid Worcestershire) (Con): I have to say that innovation and modernisation are not normally things that we associate with our courts. Given the feedback that has already come in on things such as making responses on juries online, does my right hon. Friend agree that this is not only useful to the courts but makes life easier for the public?

Mr Gauke: Absolutely; that is a key point. Perhaps my hon. Friend has set my Department the challenge of ensuring that people associate the modernisation of technology with the court system. We will know that we have succeeded when he tells us that that is the case. He makes the strong point that this is ultimately about delivering justice. We need to have strong support for the process involved and ensure the satisfaction of those who need to resolve a dispute or to undertake a process. The early signs from our work with online divorce processes are encouraging, and the feedback has been very positive.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I rise as the co-chair of the Justice Unions Parliamentary Group. I am interested in what the Secretary of State is saying about artificial intelligence, but it seems to me that one of the driving forces behind the Bill is not necessarily to improve the administration of justice but to cut costs by pushing workloads down the grades so that staff will be taking on additional work above their current grade without additional remuneration. Surely he should recognise that making savings in the application of justice comes at a cost to staff and to the public’s experience of justice.

Mr Gauke: I do not think that the hon. Lady is correct in the association that she makes. The reality is that we have to ensure that our resources are deployed as efficiently as possible. That is to the benefit of the system as a whole. I will make the case in more detail as to why the steps taken in the Bill to give authorised staff greater responsibility to undertake some roles that they are currently unable to undertake will be to the benefit of the system as a whole. I make no apology for wanting to find efficiencies within the system, but this is in the context of a £1 billion court reform programme. Those efficiencies can improve the experience of the users of the system, and could also ensure that judges will be able to use their time in the areas that are most useful to them. Indeed, the experience of authorised Courts and Tribunals Service staff will be a more positive one, as they will be able to make a greater contribution to the efficient running of the court system.

Simon Hoare (North Dorset) (Con): Setting aside the whys and wherefores of the Bill, may I invite my right hon. Friend to confirm from the Dispatch Box that the independence of the judiciary and the separation of powers between the judiciary and Parliament will be absolutely sacrosanct and at the heart of everything that he, his ministerial colleagues and the Department will do? This is an issue of great concern to many people, irrespective of the Bill, and people always need to have faith that this central pillar of how we are governed in this country will remain intact, protected and preserved.

Mr Gauke: I am grateful to my hon. Friend for giving me the opportunity to respond to that point. The independence of the judiciary is at the heart of our system and a long-standing part of it. It is as important, if not more important, than it has ever been that we reiterate that and support those institutions. As I was saying a moment ago, this is a big part of what our nation is about, and in the years ahead, after we have left the European Union, one of the most important
institutions to us will be our independent judiciary. It is a large part of what the UK is about and of how we should project ourselves around the rest of the world.

Jeremy Lefroy (Stafford) (Con): My right hon. Friend is making a strong case. Perhaps this is for another time, but in the context of having a strong, independent judiciary, will he look again at the rather arbitrary cap of the age of 70 for magistrates? We have many really qualified people who wish to contribute to the independent justice system of this country but who are prevented from doing so simply because of their age.

Mr Gauke: I am grateful to my hon. Friend. Friend for making that point, although he takes me away a little from the terms of the Bill. I realise that there is a debate about that matter, and there are arguments either way about the current age limit. I have certainly received representations calling for an increase on the current age of 70, and we continue to look closely at those arguments. I believe that there has to be an age limit, and it is a question of judgment as to what it should be. I would be delighted to discuss this with my hon. Friend in the Tea Room if the opportunity to do so should arise.

Alex Chalk: Building on the point that was well made by my hon. Friend the Member for North Dorset (Simon Hoare) about independence, may we have an assurance that under the Bill the procedure rule committees that decide what the authorised staff can do will be able to exercise that discretion free from any interference from the centre, so that they can ensure that only those jobs that ought properly to be delegated to those staff are so delegated, and that extraneous considerations such as cost need not be forced upon them when they make their decisions?

Mr Gauke: My hon. Friend brings me back to the Bill and makes a good point—one which came up on several occasions during the deliberations in the other place about the extent to which we should be prescriptive, or whether powers should be left with the rule committees. I share his instinct that as much as possible should be left to the rule committees, because they are best placed to make such assessments. Indeed, that leads to points made by distinguished retired judges in the other place about not being over-prescriptive. Such matters may be a point of discussion this afternoon or at the Bill’s later stages.

I now turn to the Bill in greater detail. The measures will help to provide the greater flexibility and responsiveness that we need within our court system. That includes freeing up judges’ time from the most routine tasks associated with court cases. The Bill will build on existing powers that already enable staff in most courts and tribunals to be authorised to exercise some of the functions of judges. It will continue to allow appropriately qualified and experienced staff in the civil, family and magistrates courts, the High Court, the Court of Appeal, the Court of Protection and tribunals to be authorised to carry out uncontentious and straightforward judicial functions under judicial supervision. The Bill will enable those arrangements to be extended for the first time to the Crown court, where court officers can only currently undertake formal and administrative matters. Allowing court and tribunal staff to exercise a wider range of judicial functions will potentially free judges up from undertaking more regular tasks, such as changing the start time of a hearing or changing a pre-trial preparation hearing date, so that they can focus on the more substantive matters of the case.

Sir Edward Davey (Kingston and Surbiton) (LD): I welcome the Government’s amendments in the other place to paragraphs 32 and 44 of the schedule, which were secured by my noble Friend Lord Marks, because they ensure that only a judge will have the power to deprive people of their liberty or eject them from their family home. As we give court staff some more powers, it is important that we set down some markers for the types of decisions that should be reserved for trained professional judges.

Mr Gauke: Indeed, and I will turn to that point in a moment. I hope that the clarification provided by those amendments will be widely welcomed in this House.

The passage of this Bill in the other place was characterised by a constructive and co-operative approach from both sides, and I hope that that will continue to be the case—I suspect it will, but we shall see—because the point of those amendments was to provide particular protections. Other issues debated in the other place included suggestions about being more prescriptive. As I said to my hon. Friend the Member for Cheltenham (Alex Chalk), it is right that we use the judicially led rule committees in many of those areas, but the right hon. Member for Kingston and Surbiton (Sir Edward Davey) makes a perfectly fair point.

Luke Hall (Thornbury and Yate) (Con): My right hon. Friend is being generous in giving way. He is talking about the use of judicial time, so will he explain in a bit more detail how the measures will address the problem of the backlog of cases and what effect the Bill is likely to have on improving the current situation?

Mr Gauke: My hon. Friend raises a good point that comes back to how we ensure that judges’ time is used most effectively, freeing them up from the most routine tasks, such as changing the start time of the hearing, and enabling them to focus on more complex matters. They could then ensure that case preparation and management was resolved proportionately and at an appropriate level. That could also help to improve the overall efficiency and effectiveness of the court tribunal system. There is an opportunity to ensure greater consistency in the current arrangements, and it is right that we strengthen safeguards, as has already been touched upon.

It is important to guarantee the independence of all authorised staff when they are exercising judicial functions. Clause 3 will bring authorised staff under the leadership of senior lawyers. Although we are removing the post of justices’ clerk from the statute, the functions that such clerks undertake will continue to be carried out by heads of legal operations, who have a much greater leadership role across all jurisdictions. The change will ensure that we make all authorised staff ultimately accountable and subject to the direction of the Lord Chief Justice and the Senior President of Tribunals.

John Howell: My right hon. Friend is being generous with his time. The place where these changes can have the most effect is in the tribunal system. I have sat
through tribunals that have lasted for days for no good reason, tying up three independent assessors. Surely, it is there that the changes he proposes can have the biggest effect.

Mr Gauke: My hon. Friend may well be right. The Bill of course relates to courts and tribunals, and it is important to bear in mind the impact on tribunals. Tribunals perhaps do not always attract the attention that they might, but they play a vital role within our justice system. If we can find ways to improve their efficiency, we should all welcome that. That is a key part of what this Bill is about.

Kevin Hollinrake (Thirsk and Malton) (Con): My right hon. Friend mentioned the start times of hearings. As he will know, Northallerton magistrates court, which serves many of my constituents, is due to close under these reforms. It is important that people can get to a hearing on time, so will requiring people to travel further to a more distant court be taken into account? Will there be mitigation, such as video links, and will those things be in place and operating before the court closes?

Mr Gauke: Journey times are taken into account. I am conscious that substantial issues can arise in rural areas, but journey times are considered. As for technology, if I remember correctly, the change at Northallerton magistrates court is conditional upon ensuring that the technology is properly in place. In the context of this Bill, authorised staff will be able to play a bigger role in determining start times, for example, and one hopes that that might enable the process to run as smoothly as possible and ensure that people’s concerns about when they can get to court can be properly considered.

Bambos Charalambous (Enfield, Southgate) (Lab): With the distance between courts being a factor not just for claimants and defendants but for witnesses, does the right hon. Gentleman agree that witnesses may sometimes choose not to go to a court if it is too far away, which can cause hearings to be cancelled?

Mr Gauke: The hon. Gentleman takes me further in the direction of the debate about the court closure plan, but we need to ensure that our resources are deployed as efficiently and effectively as possible. In that context, we have reduced the number of courts, but that money makes a contribution to our overall finances and can be reinvested as part of the court reform programme. We have to take every opportunity to make use of new technology to ensure that the experience of the justice system—the hon. Gentleman rightly highlights that witnesses are important in many cases—is as positive as possible.

I have touched on this already, but safeguards are important. Clearly, the delegation of certain judicial powers to court and tribunal staff needs to be done sensitively and sensibly, and with appropriate safeguards. Independent, judiciary-led procedure rule committees, which govern the rules within courts and tribunals, will determine which functions court staff may exercise in each jurisdiction and what qualifications and experience they will need. Those rules will then be subject to parliamentary scrutiny. All staff authorised to exercise judicial functions will ultimately be accountable to, and subject to, the direction of the Lord Chief Justice or the Senior President of Tribunals.

I am grateful for the valuable insight that Members of the other place brought to debating and scrutinising the measures in the Bill, particularly in relation to the exercise of judicial functions. Many of them drew on their own wealth of judicial experience and expertise in considering the practical issues of implementation.

Concerns were raised in the other place about the safeguards in delegating judicial functions to authorised staff. For example, concerns were raised that certain powers, particularly those that affect the rights and freedoms of citizens, should only ever be directly discharged by the judiciary. Indeed, the right hon. Member for Kingston and Surbiton raised that point.

We have listened to those concerns, and we tabled amendments in the other place that will prevent specific judicial functions from being undertaken by authorised staff, including authorising a person’s committal to prison; in most cases, authorising a person’s arrest; granting certain injunctions; making orders for repossession of residential property, where the orders are contested; and making search orders.

We tabled amendments that will require the procedure rule committees, when making rules to allow authorised staff to exercise judicial functions, to consider whether the rules should include a right to judicial reconsideration of decisions made by such staff. The amendments will also require that, if a procedure rule committee decides against the creation of such a right, the committee will have to inform the Lord Chancellor of its decision and of the reasons for it. This will ensure much greater transparency and accountability.

The measures in the Bill strike the right balance between creating a framework for the delegation of judicial functions to authorised staff, with appropriate safeguards, and giving discretion to procedure rule committees and the senior judiciary to make the arrangements work in practice.

Alex Chalk: Does my right hon. Friend agree that the principle of delegating functions to authorised staff is not, of itself, new? There has been a successful history, particularly in the magistrates courts, of delegating powers to justices’ clerks to carry out a number of functions, which even include such matters as issuing summonses or requesting pre-sentence reports. The principle is in place but, of course, the execution is vital.

Mr Gauke: My hon. Friend is right, and his experience is a benefit to the House. He knows of what he speaks. This principle is not new, but it is one where we think we can go further, to the benefit of the courts and tribunals system and of the users of that system. He is absolutely right.

A balance needs to be struck on the safeguards, and we believe we have found the right balance. Indeed, the position was strongly supported in the other place by Lord Thomas, the former Lord Chief Justice, and Lord Neuberger, a former President of the Supreme Court, both of whom have a wealth of experience in this area, having chaired procedure rule committees. The combination of Lord Thomas, Lord Neuberger and my hon. Friend the Member for Cheltenham, very distinguished lawyers all, is one that should reassure the House.
Lord Thomas warned on Second Reading against putting too much detail into the Bill:

"Experience has shown that detailed restrictions on procedure are a very real barrier to the administration of justice."—[Official Report, House of Lords, 20 June 2018; Vol. 791, c. 2039.]

Similarly, Lord Neuberger warned in Committee of placing “a potential straitjacket on the ability to appoint the appropriate people to make appropriate decisions.”—[Official Report, House of Lords, 10 July 2018; Vol. 792, c. 882.]

I make those points in anticipation that this may be an issue that we debate further this afternoon, but I think the case is persuasive.

**Kevin Hollinrake:** Will the Bill make it easier to set up a new tribunal? I speak in the context of my role as chair of the all-party parliamentary group on fair business banking and finance, which has the idea of setting up a financial services tribunal. We are not seeing a level playing field in our courts. Between banks and small businesses, and we feel such a tribunal may be a solution. Will the Bill make it easier to establish such a tribunal, or will it not have any relevance in that area?

**Mr Gauke:** As it stands, and I do not want to encourage my hon. Friend to table amendments, the Bill will not necessarily do that. He has taken a great interest in this issue, and he has been speaking to my hon. Friend the Economic Secretary to the Treasury, I know my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) will pursue the matter with his customary tenacity, and I do not wish to discourage him from doing so, unless he considers that the best way to manifest it is by tabling amendments to the Bill, in which case I would urge him to look elsewhere. I thank him for his intervention.

I draw the House’s attention to additional important safeguards in the Bill. It will provide a guarantee of the independence of staff and their decision making, by applying the statutory independence and immunities that currently apply to justices’ clerks to all authorised staff when exercising judicial functions. A member of staff will be able to exercise judicial functions only once authorised to do so: by the Lord Chief Justice or his nominee, for the courts; or by the Senior President of Tribunals or his delegate, for the tribunals. The Bill includes protections for authorised persons from legal proceedings, costs in legal proceedings and indemnification in respect of anything they do or do not do when exercising judicial functions in good faith.

The Bill also includes measures to enable greater flexibility in the deployment of judges across our family and county courts, the first-tier tribunal and the upper tribunal. For example, it will permit recorders to sit in the upper tribunal, enable senior employment judges to sit in the first-tier tribunal and upper tribunal and enable presidents of the employment tribunals for England, Wales and Scotland to sit in the employment appeal tribunal. This will make best use of the experience and skills of serving judges, and it will give the senior judiciary more flexibility to respond to sudden changes in demand and to manage case backlogs in particular jurisdictions. It will also allow judges to gain experience of different types of cases, which will help with career progression. The Bill also contains provisions relating to the amendment of judicial titles, which will ensure consistency and will help to avoid confusion for court users.

The measures in the Bill are an important part of our wider £1 billion reform programme, which will see our courts and tribunals modernised for the 21st century and our digital age. New online services are already providing new routes to justice for many. For example, of all applications for divorce from unrepresented citizens, more than six out of 10 are now made online, after the new service was launched in May. That amounts to more than 20,000 people in just over six months. It has saved time, cost and effort for them and the system. Reforms in the criminal justice system—from making pleas online for low-level offences, to the piloting of a new digital system to allow the police, Crown Prosecution Service, courts, judiciary and defence to have a single shared view of case information online—are making it work better for everyone, too.

The Bill is an important part of our wider reforms to make our justice system work better for those who use it and those who work in it. It also makes an important first step in the legislation that will underpin our reforms. We will introduce further courts legislation as soon as parliamentary time allows. With the appropriate safeguards in place, the Bill will allow our judiciary, courts and tribunals to operate more flexibly, responsibility and efficiently, and it will ultimately improve people’s experience of justice and put our courts and tribunals on a sound footing for the future. I commend the Bill to the House.

2.11 pm

**Yasmin Qureshi** (Bolton South East) (Lab): Before I open my speech, I wish to tell the House that today is Lancashire Day. On 27 November 1295, Lancashire sent its first Member of Parliament to attend King Edward I’s model Parliament. The day is well marked and celebrated in Lancashire.

We have been waiting for the arrival of court reform legislation ever since the Government promised in the Queen’s Speech last June a Bill to modernise the court system. One can imagine that expectations were high, but instead we were left disappointed when this wafer-thin Bill, which is both narrowly constrained and obscurely drafted, was finally published. Indeed, most of its provisions were included in the Prisons and Courts Bill that was shelved more than a year ago. That Bill devoted 38 clauses and 13 schedules to the courts and judges, whereas this Bill has just three such clauses followed by a single schedule. As Lord Judge once said of another Government move, it is “a little too late and...quite a lot too little”.

**Robert Neill**: I intervene only in fairness to the distinguished legal journalist Mr Joshua Rozenberg, for that was his phrase that the noble Lord Judge was quoting.
Yasmin Qureshi: I thank the hon. Gentleman for that helpful intervention.

Rather conveniently, the Government have left out measures that would provide a legislative framework for the increased use of online technology in the courts— their justification for closing so many courts and axing so many court staff. Indeed, we know that Her Majesty’s Courts and Tribunals Service is working at pace on the introduction of online justice services: the civil money claims service was made available to the public in April 2018 and the online divorce application procedure was rolled out nationally in May this year.

Although we would, of course, not seek to refute the fact that modern technology has undoubted benefits, we do have to ensure that it is used carefully and without generating more confusion or distress around the process. It should be about investing to improve our services; it should not be a smokescreen for cuts and closures. As such, it is only right that the effects of digitisation should be researched intensely and costed to ensure the best possible outcome. The Government have not yet confirmed that that has happened and still seem intent on this path, without considering potential concerns.

We are by no means against modernisation. We all want justice to be done in the most cost-effective manner and we all believe that the court system must meet the demands of the 21st century, but there is real concern that the Government are trying to bypass necessary legislative scrutiny in this policy area. We must see a thoroughly researched digitisation programme included in primary legislation, to ensure that written and online processes are undertaken appropriately.

The Bill is a missed opportunity. It should have included clear principles to guide the future of online court procedures and a modernisation programme that could have been fully debated in the House today. Instead, we are told that more legislation will eventually follow to encompass all that. This fragmentary approach—or what has been described by one legal commentator as a “legislative drip-feed”—is deeply unsatisfactory. In May 2018, the National Audit Office published a report that concluded that delays in the introduction of primary legislation had created a significant degree of uncertainty, and that Her Majesty’s Courts and Tribunals Service “faces a daunting challenge” in delivering the technological and cultural change needed to modernise our courts and tribunals.

Since 2010, the Government have closed literally hundreds of courts and cut thousands of vital staff. Our research suggests that 80% of the courts sold so far have on average raised little more than the average UK house price. That causes concerns about long-term damage to access to justice for civil litigants and, indeed, victims of crime. It will also have an obvious and long-lasting effect on the principle of local justice. The cuts have led to an increase in the number of people forced to represent themselves, a problem further compounded by cuts to legal aid. When unrepresented members of the public turn up to seek justice as litigants in person, it increases costs and delays for everyone. As we have said in the past, it is the most vulnerable who will bear the heaviest costs—young mothers who are unable to find childcare, the elderly who find long journeys difficult, or the disabled. The court closures will prohibitively reduce access.

Will the Government pause their programme of court closures while new technologies and online courts are being tested and wait to see the full findings of their pilots to assess the impact of the changes to our courts system? Will the Lord Chancellor commit today to restarting the programme of court reforms only once the House has finally had an opportunity to fully scrutinise the plans in primary legislation? We have concerns about the Bill as it stands and will not be supporting it today, but we will table amendments in Committee.

As we heard from the Minister, clause 3 delegates judicial functions to authorised staff. This provision must be understood through the lens of a wider austerity agenda that seeks to make significant cuts. These cuts are being made through a process of court closures and through savings on judicial salaries. Other proposals include the relocation of many case-management functions, which, as we know, currently take place in court buildings, with the benefit of on-site judicial supervision.

Our concern is that decisions would move to new off-site service centres. There is an implication that, given that off-site nature, those service centres would be supervised by authorised staff, not judges. That is deeply problematic for us, not least because we would have scenarios in which authorised staff who were not subject to the training, experience, ethos and oaths that a member of the judiciary is, would be performing direct judicial functions while being employed directly by Her Majesty’s Courts and Tribunals Service.

The issue raises obvious questions about accountability and independence. It is also worth noting concerns that the people involved may be subject to administrative pressures that require the meeting of targets. Given the ideological cuts agenda driving this reform, it is vital that the Bill makes provision for safeguards to protect the standard of decision making by authorised staff, to ensure that the quality of the judicial process and the experience of those who use the court are maintained.

Although we accept that there is some scope for freeing up judges by allowing the most straightforward decisions to be delegated to authorised staff, the intended future limits to any such delegation do not appear to be in the Bill. Instead, they are supposed to be decided by the procedure rule committee. That means that if the Bill passes in its current form, there may be limited external scrutiny of how widely judicial functions are being carried out by people who are not in fact judges, but who work for Her Majesty’s Courts and Tribunals Service.

I wonder whether the Lord Chancellor is aware of the serious implications for the rule of law and the independence of our judicial decision making. In his opening speech, he touched on the fact that our judicial legal system is considered to be one of the best in the world and is used by many countries, many companies, and many litigants; it makes up about £28 billion-worth of trade. Will that be affected by this downgrading of our judiciary? We believe that such a shift would not meet the expectations held by members of the public about the level of experience and the independence of those making judicial decisions about their rights. Unless limits are placed on those who can be authorised and on what powers can be given to those authorised persons, the Bill could change the very nature of our justice system.
Mr Gauke: The hon. Lady is right to raise the importance of our judiciary, but I hope that we can reach a consensus on that. Does she not recognise that the Bill has the support of the judiciary? Senior retired judges have spoken in support of it in the other place, and it has been welcomed by the senior judiciary.

Yasmin Qureshi: I accept that the senior judiciary, some of whom are in the House of Lords, have said that the Bill is a good thing. However, practising lawyers, barristers, solicitors, the Bar Council and the Law Society have said that it is not right, and that the amendments that we will propose should be considered.

There is disagreement in the judicial community about the Bill. [Interruption.] I will just wait until the Lord Chancellor has dealt with his question. The Lord Chancellor and the practitioners here must be aware that, when judges are involved in delegated functions or non-court sitting judgments, they are making judgments on difficult issues and complex matters of law—for example, a case management hearing, or even something such as asking for an adjournment. We do not know, but, at the moment, the Bill suggests that such work could be done by delegated staff.

When someone asks for an adjournment, all kinds of complications could be involved; there could be issues relating to failure of disclosure and so on. According to the Bill as it stands, many issues would be given to a delegated person. That is one reason why we are asking for clarification about who those people will be, what powers they will be given, and, more specifically, what training they will be given. Although some senior members of the judiciary in the other place have said that the Bill is a positive development, the practitioners on the ground, at the moment, do not agree.

Robert Neill: I understand what the hon. Lady is saying, and I am not unsympathetic to her point, but, in fairness to the senior judiciary, is it not worth pointing out what was said by the two noble lords who spoke on this matter? Lord Neuberger of Abbotsbury, the recently retired President of the Supreme Court, counselled that it would be unsatisfactory to reduce the flexibility of these proposals, pointing out that there will be many decisions where requisite experience is required, but others where less experience is necessary. Lord Thomas of Cwmgiedd, the previous Lord Chief Justice, pointed out that the procedure rule committee had practitioners on it who acted independently. He said:

"Experience has shown that detailed restrictions on procedures are a very real letter on the administration of justice."—[Official Report, House of Lords, 20 June 2018, Vol. 791, c. 2039]

Those are very serious counsels by two very distinguished recently retired judges.

Yasmin Qureshi: I have respect for the senior judiciary, of course, but Parliament should have control over what is being delegated. Taking away judges’ positions and powers is a matter that should be debated in this House. We do not think that it is a matter for the procedure rule committee. We would have a much better idea about what it should be looking at. I think that we will disagree on this issue.

Jess Phillips (Birmingham, Yardley) (Lab): Does my hon. Friend share my concern about always listening to eminent legal practitioners in the Lords? I am certain that, quite recently, they have made some mistakes.

Yasmin Qureshi: I thank my hon. Friend for her intervention. Those things do occur.

Let me go back to my earlier point. We believe that limits should be placed on those who can be authorised and on what powers can be given to those authorised persons. The Bill will change the very nature of our judicial system. We want a system that requires transparent and public scrutiny of the scope of future delegated powers by those in this House. That is important and I am surprised that hon. Members who are democratically elected wish to take away that element from the Bill.

We on the Labour Benches are seeking to push for a number of safeguards, the first of which places limits on the delegation of judicial powers to non-judicial personnel. We intend to press for further oversight and accountability and will be laying down amendments to that effect. It should also be noted that the procedure rule committee has, for many years, undertaken some excellent work, but the delegation of judicial functions cannot be thought of as a simple procedural matter for a rule committee—rather, this is something worthy of secondary legislation in this House.

The reforms that the Government are seeking to introduce through the Bill are designed primarily to cut costs, but, as the Bill stands, there is a risk that the procedure rule committee will be placed in the difficult position of balancing pressures to save costs against maintaining fundamental rights. Amending the Bill so that the procedure rule committee must at least consider the impact on rights would provide important protections both for the rights of the citizen and for the integrity of the committee. We ask the Government to consider that any decision made by someone who has been delegated judicial functions should be open to a full reconsideration or review by a judge. That would guarantee that purely procedural matters could be dealt with more efficiently; if any decisions were deemed contentious, however, they could be reviewed by an experienced and appropriately qualified judge.

We also note that the Government’s late amendment in the other place obliged the procedure rule committee to consider making rules to determine which of the functions performed by authorised staff could be subject to a party’s right of reconsideration by a judge. However, that does not satisfy our concerns. Indeed, it simply replicating the fundamental problem of the Bill. By placing the obligation on the rule committee, it delegates a legislative duty to the same unaccountable body. Consequently, we will be pushing ahead with our amendment, supported by the Law Society and the Bar Council, that proposes a statutory right to judicial reconsideration for any party to a decision by an authorised person. We will also seek to ensure that, in drawing up the rules on reconsideration, the rule committee must consider which functions and decisions will be clearly capable of having a material impact on the substantive rights of the parties. I reiterate that we respectfully disagree with the noble and learned Lords in the other place.

In the Ministry of Justice’s explanatory notes on delegation to staff, it is stated that decisions are unlikely to involve contested matters, yet this is not in the Bill. I remind the Lord Chancellor that case management decisions are essential judicial functions that should not necessarily be delegated. We need to ensure that the decisions that impact on the fairness of the process remain within the remit of the judges.
We also have concerns about the lack of minimum qualification for the authorised staff, particularly where staff are not legally qualified or sufficiently experienced to undertake such functions effectively. The Law Society has suggested that the requirements for qualification, training and experience should be set at three years’ post-qualification, as a solicitor, barrister or chartered legal executive for all types of functions, and that that approach should be consistent across all courts and tribunals. I know that the Lord Chancellor has disagreed with this, but I ask him again to agree with the Law Society’s recommendation that a minimum requirement of three years’ post-qualification as a solicitor, barrister or chartered legal executive is appropriate for court staff who are to be delegated judicial functions. Will he also provide assurances that provisions in the Bill that allow the delegation of judicial functions will only be considered where staff have appropriate legal qualifications?

A further omission from the Bill—this point has been made by Women’s Aid—is the provision prohibiting the cross-examination of victims of domestic violence that we all looked forward to in last year’s aborted Bill. The stark evidence from groups such as Women’s Aid is that this gap in the law is being used as a further means of control and abuse. We are concerned that such provisions are not now in the Bill. Will the Lord Chancellor tell us when the Government will bring this particular provision to Parliament so that we can deal with it and have a law in our statute book to bar people from cross-examining victims of domestic violence?

Yasmin Qureshi: I thank my hon. Friend for her work on raising these issues. She is absolutely right. Why is the provision not in this Bill? It was in last year’s Bill, which was aborted because of the general election. It should not be that difficult to put it into a legislative framework.

Let me give an example of something that happened a few months ago in the family courts. Two spouses had an issue about the custody of their child. The female plaintiff had made allegations of domestic violence and sexual abuse against her husband, and it was obvious that the male respondent wanted to cross-examine her. However, the judge had to step in to ask the question on behalf of the male respondent. The case then went to the High Court, where the judge said that it was really not appropriate for members of the judiciary to have to intervene in such cases. The provision should already be on the statute book. We have talked about it for so long and it is not that difficult; it should be on the statute book as soon as possible.

To truly understand the impact of the Bill, we must look at it in the context of the Government’s wider austerity agenda. As it stands, the Bill has the potential to have a profound impact on our justice system. The double delegation of powers that the Government are intent on introducing is a slippery slope that, without proper controls, puts rights at risk. Without further careful scrutiny and additional safeguards, the Bill has the potential to erode long-established legal rights.

The amendments that Labour tabled in the other House were reasonable, sensible and practical, and we really cannot see why the Government cannot adopt and accept them. The Bill has limitations. The Government should listen to us and others who want to improve it, and accept our amendments, which have the support of the Law Society and the Bar Council, so that we protect our judicial system.
that went back to a time when one could do 10 years as a young barrister, at Billericay magistrates court in Essex as a very good thing. I remember appearing quite often, as a very qualified. There was a time when justices' clerks did certain degree of standardisation.

Harmsworth, district judge (magistrates courts)” might “Mr St John Harmsworth, stipendiary magistrate at Marlborough Street” had a greater ring to it than “Mr St John Harmsworth, district judge (magistrates courts)” might ever have done, but I suppose the change did give a certain degree of standardisation.

We have been talking about appropriate levels of qualification. There was a time when justices’ clerks did not have to be legally qualified. I do not say that was a good thing. I remember appearing quite often, as a very young barrister, at Billericay magistrates court in Essex in front of the last non-legally qualified justices’ clerk in the country. He had some sort of grandfathered rights that went back to a time when one could do 10 years as a justices’ clerk and that was regarded as giving one the qualification for appointment. [Interruption.] I see that my hon. Friend the Member for Cheltenham (Alex Chalk) is much shocked by these things. We had to be terribly robust in those days. I remember that I managed to persuade that justices’ clerk to dismiss a case at half time on the basis that a rice flail was not an offensive weapon per se, because it might have left a legitimate use for flailing rice. Whether that was going to happen on Basingdon high street, I am not sure.

We have moved on, and the justices’ clerks are much more professional now, and much more fully integrated, so despite my regret about the loss of the title, the new one does reflect more adequately the role that they now have as legal advisers to a very important part of our system—the lay judiciary. In fact, the Justice Committee heard evidence from representatives of the Magistrates Association today regarding the updating of our previous report on the magistracy. They can play a critical role in this. I think that they broadly welcome the attempts at modernisation of practice and procedure that this Bill will assist.

Alex Chalk: Like the Chairman of the Justice Committee, I welcome these measures to modernise the process. However, this should not be allowed to distract from what remains a fundamental problem, which is that there are not enough people coming into the judiciary. We need to ensure that they are properly incentivised to do so and rewarded for doing so, because the backlog of cases in the Court of Appeal and elsewhere will not be resolved by these measures alone. Does he agree?

Robert Neill: I totally agree. These are useful, practical measures on their own, but they are by no means a solution to the problem. In fact, they are but a very small part of the solution.

I am a bit concerned by some of the Law Society’s suggestions in briefings that some of the broader programme of courts reform is posited on making savings in judicial posts and appointments of about £37.5 million. I hope that the Lord Chancellor—or the Under-Secretary of State for Justice, my hon. and learned Friend the Member for South East Cambridgeshire (Lucy Frazer), when she responds to the debate—will be able to set our minds at rest on that. We can make savings by using staff qualified at the appropriate level in what one might term purely interlocutory or procedural matters, but all the decisions on issues of substance in any case—whatever the sum involved or whatever the nature of the charge, in a criminal case—have impacts on the individuals concerned, and they should, in my judgment, be taken only by properly qualified lawyers in an open court process. That is important.

We cannot allow the valuable nature of this Bill to take away from the fact that we need an injection of resource into the criminal justice system. We are seeing a shortfall in appointments to the High Court bench on a regular basis. A number of hon. Members have talked about the integrity of our justice system and the importance of its legal standing, and the quality of the judiciary is key to that. We also see difficulties in making sufficient appointments—full time, at any rate—to the circuit bench. It is easier with recorders, I grant, because they are able to sit part time, but there is a real issue there.

There is also a real issue, as my hon. Friend the Member for Cheltenham knows, about morale. I think that the Lord Chancellor and the Under-Secretary of State understand that and take it on board. I do not expect them to be able to wave a magic wand and solve everything overnight, but it is important to stress these things. Technical changes are useful as far as they go, but they cannot underpin what is essentially a people-based system.

Ms Harriet Harman (Camberwell and Peckham) (Lab): I pay tribute to the excellent work that the hon. Gentleman’s Committee does on these and many other issues. I agree that there were perhaps things in the Prisons and Courts Bill that have not found their way into this Bill. He may agree that we should, none the less, take the opportunity of this Bill to try to sort out the problem of the previous sexual history of victims in rape trials being dragged through the court and used by the defence in an irrelevant way to undermine the complainant’s evidence, sometimes when applications are not even made to introduce this material. Does he agree that this Bill is an opportunity to deal with that problem? We know that this is happening, and it undermines getting rape convictions.

Robert Neill: I very much respect the point that the right hon. and learned Lady is making, but I must say to her frankly that I am not convinced that this Bill is the appropriate vehicle for dealing with that issue, although it is a real one, simply because the Bill is very tightly drawn in scope and relates to function. What she wishes to do—I understand why she may wish to do it—would have significant impacts on the operation of the law of evidence, which is a consideration that deserves to be looked at on its own. We probably have a shared view as to what we might want to achieve, but I am not sure that this Bill would be the right one to achieve it.

We do need to look very carefully at the whole approach to the way that previous sexual conduct is dealt with in rape and other sexual offence cases, but we also have to bear in mind—I say this as somebody who prosecuted and defended in these cases—that we should not assume that these issues will never be relevant to the key issue in the case. A balance has to be struck, and very often that is a decision that can only be taken by the trial judge in the light of the submissions made by the parties. I would not want us to restrict the ability of the trial judge to make that decision, because they
are best placed to do that. However, the right hon. and
learned Lady’s point about failure to follow the procedures
and make proper application in advance, and enforcement of
those procedures by the judiciary, is an important
one that we certainly ought to take forward.

Ms Harman: Can I go back to plan B, then? Even if
the hon. Gentleman thinks that the Bill is not the right
place to address such a considerable evidential problem—
and there is controversy around this—would he not, at
the very least, like to see tucked in under clause 3,
“Functions of staff”, an obligation on staff to record,
when an application under section 41 of the Youth
Justice and Criminal Evidence Act 1999 is made, what
evidence was brought forward and what the result of
the application was? There is an absence of evidence
about what the courts are actually doing. That enables
them to say that there is not a problem, when evidence
such as that brought forward by Vera Baird, the police
and crime commissioner for Northumbria, says that
there is a problem. Does he agree that this Bill could at
least get us recording that very important information?

Robert Neill: That is a very interesting and constructive
point, because we do want to have an evidence base.
Again, the only caution I have is this: is it appropriate to
do that through a form of statute, or is it better done
through placing that requirement in the criminal procedure
rules? I am going to talk about the procedure rules in a
moment. Either way, there should be a means of capturing
that information, and I am very sympathetic to doing so.
Perhaps the right hon. and learned Lady and I could
talk with others about the best way forward on achieving
that, because it should certainly be possible, with modern
court technology.

John Howell: May I take my hon. Friend back to
where he left off? Does he agree that the threat to the
use of English law around the globe comes about from the
efficiency or otherwise of the judges, and that the
more that judges are unable to be efficient in giving a
judgment, the more there is a threat to the use of
English law? Does he agree that the threat to the
application was? There is an absence of evidence
about what the courts are actually doing. That enables
them to say that there is not a problem, when evidence
such as that brought forward by Vera Baird, the police
and crime commissioner for Northumbria, says that
there is a problem. Does he agree that this Bill could at
least get us recording that very important information?

Robert Neill: I want to touch on a couple of other points that relate
to the issues legitimately raised by both the Law Society
and the Bar Council. It is possible to meet their concerns in a proportionate way. I think it is fair to say that the
Bar Council and the Law Society’s main issue, in terms of the scope of the Bill, has been the relationship to
authorised staff. They make a fair point about the
underlying issue of the courts modernisation programme,
which I will touch on later. There was an acceptance in
the other place that some types of procedure and hearing
do not require a legally qualified person to deal with them.
However, we have to ensure that when the procedure
committee draws up the rules around this—I welcomed the
Government’s amendment, which gives greater clarity
about how that will operate and makes it easier to achieve—it is not, as my hon. Friend the Member for Cheltenham said, placed in the invidious situation of
trading off access to rights against costs. I have sympathy,
therefore, for what underpinned the concern raised by the hon. Member for Bolton South East (Yasmin Qureshi),
though I do not advocate the same solution. That balance cannot be allowed to be swayed unduly in terms of the transactional or the financial.

The right of reconsideration is worthy of consideration,
and I hope the Government will look seriously at it. It is a question of the appropriate level at which to pitch that. Some of the matters that it is proposed be delegated are almost entirely procedural in nature. We should
distinguish between delegating to a court official a procedural matter, such as granting an extension in time, which many of us probably think is not the sort of thing where the fundamental rights of a party are so affected that it requires reconsideration, and something that
goes to the issue of the case, such as a summary judgment. The way forward is to give the rules committees the ability to reflect those distinctions, rather than to try
to spell things out too much in statute.

It has been suggested that there should be a form of
benchmark against which the rules and procedures
operations are carried out. That may be worthy of
consideration by Ministers, and it may be discussed in
Committee. I would not want to tie people’s hands, but
we could have some form of benchmark against which
that is done, without falling into the trap that Lord
Thomas, Lord Judge and Lord Neuberger counselled
against, of overly restricting, over-legislating and tying
the hands of the judges.

I take issue with the Opposition on this point. It is
not right or desirable for politicians—who, by their
nature in our system, are partisan animals—to seek to
constrain too much the operation of the rules or procedure
of the desirably and deliberately independent courts.
We have to be careful about how we achieve a balance.
Our job is to set the policy and legislative framework
within which the courts operate, but if we get too far
into the detail, we run the risk of trespassing on judicial
independence, and also on efficiency.

There are good aspects to the Bill that I hope the
House will take forward. I intervened on the hon.
Member for Bolton South East to point out that it was
Mr Joshua Rozenberg, the well-known journalist, who
coined the phrase

“It is a little too late and quite a lot too little.”

In fact, to be wholly accurate, it was Lord Marks, a Liberal Democrat shadow Minister, who quoted it in
the other place. It is a very good phrase, but it is harsh

Robert Neill: Yes, I do. That is very important, and
that is why it is not surprising that experienced former
judges have expressed a view on this. We have referred
to the former President of the Supreme Court.
Lord Neuberger, and the immediate past Lord Chief
Justice, Lord Thomas of Cwmgiedd. I note also the
observations of Lord Thomas’s predecessor, the noble
Lord Judge. They all supported the thrust of this Bill in
enabling more flexible deployment of judges within
tribunals and the assignment of procedural matters to
non-judicial court staff. They also warned about not
unduly fettering the ability of the court procedure rule
committees, which have on them practitioner representatives
who are able to set matters in the light of their practical
experience. That is absolutely right, and it in no way
contradicts the point made by my hon. Friend the Member for Cheltenham about the need to have the
requisite number of top-class members of the judiciary.
I agree with my hon. Friend the Member for Henley
(John Howell) that this is a sensible and proportionate
Bill.
on the Bill. The Bill does good work within the scope that it seeks, but that does not mean we should not support the Lord Chancellor and his Ministers when they seek, as I am sure they will, to find the appropriate legislative time to bring forward measures on a number of other aspects of the former Prisons and Courts Bill, which was lost in the Dissolution.

The right hon. and learned Member for Camberwell and Peckham (Ms Harman) and I have discussed some matters of criminal and family law in domestic violence cases that it is important for us to tie up. I stress strongly that much of these reform proposals stem from the excellent reports of Lord Justice Briggs and Lord Justice Leveson. Their reports were seminal in suggesting a modernising way forward, but taking that way forward requires the underpinning of statute. I urge the Lord Chancellor, who has been very patient in listening to us all, to make it a priority to persuade the business managers to find time for the legislative vehicle that will enable the modernisation of the court procedure rules on all civil matters to be brought forward. The Leveson proposals could have statutory underpinning in the same Bill. There is a real sense of uncertainty, referred to by the hon. and learned Member for South East Cambridgeshire (Lucy Frazer), when she makes her concluding remarks. I wish to raise a couple of areas which I have concerns. As a non-lawyer, I am happy to be corrected if I have got something wrong and to be reassured by the Under-Secretary of State for Justice, which I have here.

I welcome the Bill, and I support it as a valuable and worthwhile step forward, but—I think the Lord Chancellor would be the first to accept this—it is only one part of the programme that we need to deliver. We ought to get the Bill through the House as swiftly as possible and then move on to the next step. I note that Second Reading in the Lords lasted just under two hours, which shows that we can be both erudite and remarkably brief, which is perhaps an improvement on some debates we have here.

2.56 pm

Thangam Debbonaire (Bristol West) (Lab): It is an honour to follow the hon. Member for Bromley and Chislehurst (Robert Neill), the Chair of the Justice Committee, who gave us an awful lot to think about. I agree with him that there is a great deal in the Bill that is good and that I would not wish to speak against, but I want to draw attention to a couple of its aspects about which I have concerns. As a non-lawyer, I am happy to be corrected if I have got something wrong and to be reassured by the Under-Secretary of State for Justice, the hon. and learned Member for South East Cambridgeshire (Lucy Frazer), when she makes her concluding remarks. I wish to raise a couple of areas of concern, particularly in relation to the rights of refugees and asylum seekers in the legal process, but also about the context in which these proposals are being made.

There is a sign on a wall near my constituency office in Bristol that says:

"Injustice anywhere is a threat to justice everywhere."

I am sure all Members will know that those are the words of Dr Martin Luther King, and they are as relevant now as they were when he first wrote them in his letter from Birmingham jail in 1963. I quote them because a reduction in justice for any of us is a reduction in justice for all of us. When a court closes, as is happening in many of our towns and cities, making it harder for witnesses to travel to give evidence and for members of the public to hear court proceedings; when someone gets inadequate advice from someone supposedly giving them legal advice; or when the powers of the court to act fairly and impartially are compromised anywhere in our system, it is a potential threat to justice for all of us. I know that the Lord Chancellor and the Minister would not wish to do that, so I pose my questions to ask whether we are sure we are doing everything we can to maintain the spirit of that quote.

We may be the victim of a crime or the witness to a crime. We may be accused of a crime, or we may know someone who is wrongly accused. We may have a constituent who needs our help. For all those things, we need our courts to work properly. I am truly concerned about the Bill. While it has good points, there are a couple of places where there are questions to ask.

First, I am concerned that these changes are being pushed through Parliament at a time when Members are understandably focused on other matters and when, as far as I know—the hon. Member for Bromley and Chislehurst may correct me if I am wrong—there has not been pre-legislative scrutiny. I would like to know when there will be some form of legislative scrutiny by the Justice Committee. There are provisions in the Bill that provide for regulations to be made through statutory instruments. That has been attended to in the other place, but those instruments provide for very limited scrutiny. Again, this is in a context where we will be overwhelmed by Brexit-related statutory instruments in the coming months and years.

Then there is the background of cuts to legal aid. I recognise that that is outwith the scope of the Bill, but it has an impact on the effect of the Bill. The wider context is that the justice system is under great strain. If the Lord Chancellor or the Minister has read the book “The Secret Barrister”, they will know the context I am referring to. I am also alluding particularly to refugees and asylum seekers, because I am concerned that those who may be the people for whom the supposedly straightforward administrative advice that the Lord Chancellor mentioned may turn out to be more complicated and have a more far-reaching impact.

I need more reassurance from the Minister that there will not be an impact on immigration claims and appeals cases, which are sometimes already affected by perhaps less than adequate legal advice or legal aid cuts, and that the system will not be undermined by further pressure. That would mean that people who genuinely need our help, and who are entitled to sanctuary, could be failed and may be returned to places where they would face further danger. I would like some reassurance or clarification on that from the Minister, or perhaps an undertaking to look at it during the Bill’s further stages.

On legal qualifications, I refer hon. Members and the Minister to the comments of the noble and learned Baroness Butler-Sloss in the debate on the Bill in the other place. She said:

“My Lords, as a former judge of the family court, I wonder in what circumstances such judges—district judges, circuit judges or even possibly High Court judges—might need the advice of those who were not themselves qualified lawyers. I find that difficult. I see no difficulty with justices of the peace—that is perfectly obvious—but at the moment I cannot see how any family court judge, at any level, should be advised on legal issues by someone who is not legally qualified.”
She continued:

“I would be grateful to the noble and learned Lord for explaining what he sees this applying to, and in what circumstances.”—[Official Report, House of Lords, 16 October 2018; Vol. 793, c. 416.]

It would be helpful if the Minister could give this Opposition Member, as well as others who may be more knowledgeable than me and certainly the non-lawyers in this place, an idea of the answer to the questions that the noble and learned Baroness asked.

When our Front Bencher in the other place withdrew the Labour amendment on qualifications, she did so reluctantly. I note that she said she was withdrawing it with “a somewhat heavy heart”. I am therefore particularly concerned that the concerns she raised in the other place may not yet have been dealt with adequately. I would like some reassurance from the Minister on that.

As I have said, I am concerned, drawing on my casework as an MP, about the potential impact on appeals in immigration and asylum cases, which may be put under strain if there is any question of administrative appeals in immigration and asylum cases, which may be casework as an MP, about the potential impact on would like some reassurance from the Minister on that.

It would be helpful if the Minister could give this Opposition Member, as well as others who may be more knowledgeable than me and certainly the non-lawyers in this place, an idea of the answer to the questions that the noble and learned Baroness asked.

On cost cutting, in Bristol we have a well-appointed court in the centre of the city, but I understand from colleagues who represent towns and smaller cities that they have experienced court and tribunal closures, resulting in increased journey times for victims and witnesses and reduced access to visible justice. The Law Society and others have already expressed great concerns about that, and the hon. Member for Bromley and Chislehurst mentioned the National Audit Office in that context.

Does the Minister recognise the concerns of those who see this Bill in the round—in the context of the wider cuts to court staff and court closures—about it being a move towards justice being delivered at a reduced rate? As I said, there are good things in the Bill. What is at issue is not that, but its impact and how it fits into the wider context.

The Bill does not in my view satisfactorily address the context of the cost cutting programme in courts, which is undermining access to justice and is being pushed through without proper scrutiny. I urge the Minister, if she has not already done so, to add “The Secret Barrister” to her Christmas reading list. I have not finished it, truth be told, but I will undertake to finish it if she will, because that may be useful for all of us. I am concerned that the Bill could be an attempt, in places, to cut corners and weaken safeguards, and I am concerned about delegating powers to possibly underqualified court staff without adequate training. I urge the Minister to consider Opposition Front-Bench amendments to that effect.

I urge the Government and the Minister to remember what I said at the start. I repeat those words:

“Injustice anywhere is a threat to justice everywhere.”

I would like the Minister’s reassurance that she is truly convinced that this Bill does not, even in the smallest way, represent any threat to justice.

3.5 pm

John Howell (Henley) (Con): It is a great pleasure to follow the hon. Member for Bristol West (Thangam Debbonaire), not least because, like her, I am not a lawyer. I think the more non-lawyers who speak in this debate, the better it will be, because we bring common sense to such a debate, which I am afraid from time to time legally qualified Members do not.

I was, however, completely entranced by the description of justices’ clerks given by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill). I thought that my opportunity had now come, because these were non-legally qualified people who had a role to play, and I thought, “This is an opportunity for me when I finish here”. Sadly, however, even that has been taken away from me.

If I may, I will just pick up on one of the things that the hon. Member for Bristol West mentioned when she talked about other things distracting us from our examination of this area. I think this is just the sort of Bill that we need to concentrate on. I do not think we should be distracted by other things, because the Bill is crucial to the management of justice and of our courts.

Thangam Debbonaire (Bristol West): I just wish to clarify my point about Members being distracted. I agree with the hon. Gentleman that this is exactly the sort of Bill we should be focusing on, but my concern is that Members are distracted by the wider constitutional impact of the word beginning with B, which I will not mention.

John Howell: I am sure some Members are distracted by that, but I am incredibly pleased that neither she nor I are, and that we are going to concentrate on the Bill in a very big way.

I mentioned in an intervention on the Lord Chancellor that I was actually the first Member of Parliament to go on the Industry and Parliament Trust fellowship in law. It was a particularly enlightening experience. I cannot remember the number of days that I was allocated, but I doubled the number of days I spent on it, because I spent most of the time sitting alongside judges, on the bench, listening to what they did. The number of different courts I saw was tremendous—I remember starting in the commercial courts, which I will come back to in a little while. They represented such a technological advance on all the other courts I sat in on, and that was a really good thing to see.

To go back to a point I made to my hon. Friend the Member for Bromley and Chislehurst, the first thing that came out of that experience of sitting alongside judges was an absolute admiration for their integrity and for what they did and how they did it. The second thing was an understanding of how overworked they are. As non-lawyers, we perhaps tend to think of judges just turning up, sitting and listening to the case, and giving judgment, but the amount of preparation that goes into hearings is phenomenal. That was a good thing to see and experience, and it applied whether it was the bankruptcy court or the Court of Appeal, in which I sat on two occasions.
The point I made to my right hon. Friend the Lord Chancellor earlier was about the speed of justice. I am not a great advocate of speed in itself, but I think there is a threat to English law: not Brexit, but the ability of our courts to dispense justice on a timely basis. When I sat in with judges, I saw that they were often so preoccupied with the minor administrative elements of their role they did not have time to dispense justice in what I would consider a timely manner. That was the case whether I was sitting in a higher court or, in particular, in a tribunal—I will come on to tribunals in a moment. Efficiency in making judgments and delivering English justice is one of the hallmarks of the justice system and one that we lose at our peril. If that point alone is made, it is made well.

One issue I would like to raise, which may at first not seem immediately applicable to the Bill, is the age of judges. I believe it does apply to the Bill, because consideration is being given to other people taking on judicial functions. The point about age has also been raised in relation to the magistracy, and it also applies to lords justices and others. When the Lord Chief Justice appeared before the Justice Committee last week, we asked him about the age of justices and he explained that there were mechanisms by which they could be extended beyond the age of 70 in certain capacities. However, that is an artificial cut-off—if we were stopped from being MPs at 70, I think there would be shouts of horror. Some of us—I am nowhere near that age now—would consider that we were being cut off in the prime of our life. The same is the case with judges. They have acquired a tremendous amount of experience, principally as barristers. They have had a lot of judicial experience, and they are just coming to the point where they can use that experience in the best possible way. I therefore think it is necessary to look at extending the age at which judges retire to beyond 70. To be able to do that, we must look at the courts in a holistic way.

Robert Neill: My hon. Friend makes an important point. The coalition Government, as I am sure he will know, increased the age at which members of the public could sit as jurors to 75. It seems quite bizarre that a lay person who is fit, healthy and willing to serve can sit as a juror up to the age of 75, but people of that age cannot sit as a judge of the High Court, the Court of Appeal or the Supreme Court—unlike in the United States, where they can go on for a considerable time.

John Howell: I am not sure I would like to follow the experience of the United States in this matter, but my hon. Friend makes an absolutely first-class point. There needs to be a consistent approach to the age at which we can use people or force them to retire.

There is a lot to be said for the system in the Bill that would enable people to undertake some activities undertaken by judges. As an aside, I said that I am a non-lawyer, but I am currently seeking to extend my ability to undertake arbitration—I hope that that does not cut across or invalidate what I am saying. Such an ability is an important element of the mix that needs to be taken into account when we are looking at the judicial system as a whole.

When I was involved in sitting with judges for the fellowship, I was very much aware of the difference between courts in digitalisation and technology. In the commercial court, the system was utterly brilliant. I sat with a judge who was listening to an English law case in Portuguese. The transcript of the English translation appeared almost instantaneously on his laptop on his desk in front of him. The use of technology to get information out was absolutely fantastic. As I said to the Lord Chancellor, however, employment tribunals might as well have still been using the quill pen, they were so antiquated—not the judgments being made, but how the courts were organised and delivered justice. If we want access to justice, it is absolutely essential that the process of digitalisation in courts is seen through to the end. It materially influences access to justice.

When I sat in the Court of Appeal, prisoners appealed their sentences via video link. It was clearly not a good idea to bring the prisoners into court, so video links were used all the time to great effect, enabling judgments to be made. There were some discrepancies. For example, it took some time to get the focus right for some prisoners. I understand that that was due to the camera equipment, rather than the features of the prisoners.

When I started my work as chairman of the all-party group on alternative dispute resolution, I had the opportunity to speak to Lord Briggs about his proposals for the justice system as a whole. The Bill moves us closer towards what Lord Briggs was after, but it does not take us all the way to it. For example, the digitisation of divorce is welcome, but his proposal for online courts is very valuable. I know that that is controversial among lawyers, but it is important to enabling both the delivery of justice and access to justice. I would like that process to be extended beyond the scope of the Bill, so that we can receive and transmit electronic evidence in the handling of individual court cases. Anything that can move the legal profession into the 21st century is to be welcomed.

If I may, I would like to give a plug to the Industry and Parliament Trust fellowship. Having been the first to go on it, I recommend that hon. Members absolutely do so. The experience of sitting alongside judges is absolutely first class. My first appearance in court—if I can put it that way—was in a commercial court. I went to the court with the judge. We were just about to go through the door and I said, “I shall just go and sit at the back of the court.” He said, “What do you mean? You’re sitting up next to me in the court.” It was a great shock to me—

Robert Neill: A great shock to the defendant.

John Howell: It was a great shock to the barristers, particularly when I sat in the planning court and the barrister was well known to me. We played a little trick on him by coming in through different doors so that he was unaware of who we were.

The point of all that is that it is a very valuable training scheme. The more that people can go on it, the more there will be an understanding of the issues raised in the Bill and of the need to bring the courts into the 21st century.

3.20 pm

Jack Brereton (Stoke-on-Trent South) (Con): It is an absolute pleasure to follow my hon. Friend the Member for Henley (John Howell), and I am very pleased to
People are now so used to using digital technologies. It is important as we move towards a more digitised age.

To the Courts and Tribunals Service. It includes proposals for technological change and it is important that we have much need to remain relevant, in time and in touch with our tribunal services and our justice system. They very much need to remain relevant, in time and in touch with technological change and it is important that we have that as we move forward.

The Bill is about delivering on those significant reforms to the Courts and Tribunals Service. It includes proposals to develop high-quality digital services, which are so important as we move towards a more digitised age. People are now so used to using digital technologies.

Mr Jim Cunningham (Coventry South) (Lab): I hope that the introduction of new technology will mean speeding up casework, because for far too long there has been a large gap before something comes to court. I do not think that that is fair in terms of justice or for the individual concerned. Does the hon. Gentleman agree with me?

Jack Brereton: I absolutely agree. Like many Members, I have had a number of constituents come to me to raise concerns about the timeliness of hearings, going to court and how long it takes to get to court. That is so important. I am pleased that it is one of the key things that will, I hope, be addressed by the Bill, which will speed up that process so that we see a much more efficient system of getting into court and getting through the court process.

Unfortunately, at the moment, much of the court system is clunky and bureaucratic. Many of the processes used are over-complex and labour intensive. Another word we might use is counterintuitive, as some of the processes are not entirely logical. We need to reform the process to make it more effective and more efficient, and to deliver more for my constituents, those of the hon. Member for Coventry South (Mr Cunningham) and constituents across the country. We need to ensure that we have a system that remains relevant.

Other things will particularly be improved through digitisation. The public can now apply for non-contested divorces, respond to a jury summons, track social security appeals and issue a response to a civil money claim online. The move towards more of these services being offered online is really important, and it is positive to see encouraging and positive feedback from the public about the new services that have been introduced and the work that has been done to encourage more digitisation.

The Bill will continue to build on the reforms, making better use of the skills and experiences of the cohort of judges in our criminal and judicial system. It is important that judges’ time is used to the most advantage and the greatest effect and that we direct judges to the most serious cases, where their expertise can be used to best advantage. We should be ensuring that they are freed from some of the more mundane and routine tasks that can be done by lower-level staff who will be appropriately qualified and experienced to deal with such matters. Senior judges should not be dealing with such issues.

The provisions in the Bill will move forward the process of building efficiency and effectiveness and speed up the turnover of cases, which, as I have already said, is extremely welcome to constituents up and down the country, particularly my constituents in Stoke-on-Trent South. On a number of occasions, I have had to write to the chief executive of the Courts and Tribunals Service and Ministers in the Department about speeding up some of these cases and trying to get some of them to court in a timely way. I know that Members across the House have issues with that.

The Bill is very much about how we can improve the judicial system not just for the people who use it but for the people working in it, making it a much more effective system for judges and all the other very qualified staff who work in it. I am particularly pleased to see that Stoke-on-Trent and Birmingham have been announced as the first two new locations for the Courts and Tribunals Service centres. It is fantastic to see that my own area will benefit from greatly improved services, with faster services for our constituents and better guidance to help the public and professionals understand and use the court process much more effectively. That is very important; the court process needs to be accessible to all our constituents. It should not just be for those who are well informed on these matters.

I am pleased that Stoke-on-Trent will be one of the first two locations. The Courts and Tribunals Service centres have completed the process of organisational design and job design and are commencing the internal selection process for staff to take up roles in the two projects. I want to go into a bit more detail about what that will entail. It will reshape how the Courts and Tribunals Service works, ensuring that it is a much more effective organisation in providing services that our constituents need. Our courts and tribunals will be much more focused on supporting trials and hearings, and it is so important that they do that. The roles of clerks will change. They will be able to support judges and users of courts in more ways, such as by using technology to support their core role. The courts and tribunals will also have listing officers where they do now and staff to support judges, including with more delegated powers, where that is agreed by the judiciary.
This is about making our judicial system and the Courts and Tribunals Service much easier, more accessible and more transparent, and reducing many of the complexities that have unfortunately existed in the judicial system. It is also about cutting down on some bureaucratic and administrative processes, and moving to a much more efficient service, ensuring that we have a service that is providing a first port of call for members of the public who want information on their cases. It is so important for constituents to be able to access information about cases and services as easily as possible.

The first two Courts and Tribunals Service centres, which will begin by supporting our first reformed services—divorce, probate, the single justice service, and social security and child support—will open in Stoke-on-Trent and Birmingham in January 2019. I very much look forward to that and hope that this will move forward easily now. Reforms will involve moving the location of some services in the future. The report talks about the importance of buildings and about the Courts and Tribunals Service learning lessons where we are selling off property or where property is changing, so that we take on board the views of the communities involved. Many of these buildings are important assets to their communities. Many of them are historic buildings in the heart of their communities, and I want to make Members aware of what has been experienced in Stoke-on-Trent.

The magistrates court in Fenton in my constituency was one of 93 courts in England and Wales that were identified for closure and it subsequently did close, in 2012, as part of measures to save about £41 million. As Members can imagine, that provoked a significant outcry in the community. The magistrates court was based in the former town hall in that community, which is a fantastic Victorian building. I am pleased that campaigners have been able to save the building for community use. There are significant lessons to be learned on how we dispose of these buildings and how we can bring them into effective community use. That building, which was used for many, many years as the magistrates court, is now a real hub for the community, providing spaces for local businesses and community groups, a café and an art gallery. These fantastic facilities have been brought back into use for the community because things have been done in the right way. The Department has to be congratulated, following the significant pressure that was put on it by the community, on the fact that that site is now back with the community.

Justin, a descendant of William Meath Baker, the person who built Fenton town hall, bought the town hall and is gradually restoring that building and bringing it back into use for the community. Once fully completed and restored, that building, which was built in 1888, will be a fantastic part of the community, and I hope it will continue to be used for many decades to come by the community. As we move forward with these reforms—with the digitisation and the moving of courts to different locations—it is important to take account of the places we have had previously and the changes that were made. It would be great to see former courts up and down the land that are no longer needed, because of the efficiencies that have been made, being used for important assets value and in productive ways for our communities.

I wish to finish by giving a few statistics about what this process will mean for the Courts and Tribunals Service. More than £1 billion will be invested in transforming the system, which will include 21st-century technology, online services and digital working, while making sure that our justice system remains the most accessible justice system possible for constituents such as mine. There is a real opportunity to make the system much more accessible to our constituents. The measures in the Bill will enable direct financial benefits of around £6 million per annum and enable wider court reforms, which will save around £200 million per annum once fully implemented. Over 65,000 people have used the pilots of new courts and tribunal services and received straightforward digital access to courts for the first time. Those statistics demonstrate the benefits of the Bill. That is why I am very pleased to support it today.

3.35 pm

Imran Hussain (Bradford East) (Lab): I draw hon. Members’ attention to my entry in the Register of Members’ Financial Interests, and I start by acknowledging some of the excellent contributions from Members across the House. My hon. Friend the Member for Bristol West (Thangam Debbonaire) passionately made a plea, and a very important point, on the impact on some of the most deprived and how we should always mitigate that. The hon. Member for Bromley and Chislehurst (Robert Neill), the much respected Chair of the Justice Committee, made a very important point about the right to reconsideration, which I will come on to in greater depth.

Robert Neill: I am grateful to the hon. Gentleman for giving way, because it gives me the chance to do justice to his hon. Friend the member for Bolton South East (Yasmin Qureshi), and to remind the House of my entries in the Register of Members’ Financial Interests, which I should have done before. The hon. Lady and I had a minor debate about whether Lord Judge or Lord Marks quoted Joshua Rozenberg. We have now worked out between us that Lord Marks quoted him in a debate on this Bill, but that Lord Judge quoted him in a debate on another occasion—so they both quoted him, and he has been quoted twice here.

Imran Hussain: I am grateful to the Chair of the Justice Committee; he has saved me some time, because my hon. Friend the Member for Bolton South East (Yasmin Qureshi) asked me to clarify that matter in my speech. I also acknowledge the contribution from the hon. Member for Henley (John Howell), who rightly made the point about a consistency in approach across the judiciary and did so very well. The hon. Member for Stoke-on-Trent South (Jack Breerton) spoke passionately about making our justice system the best in the world—which it already is, although we can improve it through further and better technology.

When the Government brought the Prisons and Courts Bill to the House, they declared an intention to reform our courts and judicial system. When that Bill fell because of the Prime Minister’s ill-fated decision to call a general election, they restated their intention for reform and brought this Bill before us. In opening the debate today, the Lord Chancellor spoke about courthouses, reform, new and innovative technology, and sweeping modernisation, yet the content of the Bill does not match his words. It is devoid of any substantial change...
that will encourage greater access to justice, and it willfully omits—and even seeks to avoid—debate on the huge, pressing concerns present in our courts system. When seen in the wider context of the Government’s austerity agenda and cuts to the justice system, it seems to be less about reform and more about squeezing as much money as possible from the courts.

Even at first glance, this is a minimal, even empty, Bill—a view that is vindicated upon reading it in more detail. It contains provisions to extend the redeployment of judges, to rename some of the judiciary and to allow an increased use of the delegation of judicial functions to non-judicial staff. While all those measures have value, in no way do they capture all that is needed to reform our courts and judiciary. They are measures taken by a Government intent on introducing a drip-feed of legislation in the absence of their parliamentary majority, avoiding scrutiny. Not only have they omitted anything substantial, but they have drafted the Bill to avoid some of the most pressing issues facing the justice system. It makes no mention of measures to address legal aid cuts, court closures, judicial vacancies or the protection of domestic abuse victims. It is here where the real failures of reform lie.

On legal aid cuts, access to justice has been decimated. Spending has fallen by one third, from £2.5 billion to £1.6 billion per year, and the number of civil legal aid cases has fallen from more than 500,000 in the year to April 2013 to just under 150,000 in the year to April 2017. Vulnerable people are being left unable to defend themselves in areas as fundamental as housing, employment, immigration and welfare benefits, and unnecessary costs are being created for the taxpayer as cases are going to court that could have been resolved earlier. Further costs for the public purse arising from cuts are causing issues such as poor health, homelessness and debt. When people lack the money or knowledge to enforce their rights, those rights are worth nothing more than the paper they are written on; yet the Bill fails to mention legal aid or the urgent need to reverse the changes imposed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

On court closures, the Bill is silent and has closed down discussion on this equally vital issue for people’s access to justice. It fails to address the significant £1 billion-plus courts reform programme that is being pushed through, as the Lord Chancellor stated earlier—but without any proper scrutiny. Since 2010, the courts and tribunals estate has changed significantly, with hundreds of courts having been closed in the name of austerity, and that has hampered people’s ability to access justice.

Many claimants and defendants must now travel miles to access justice and uphold their rights, the Government having closed their local courts, but many lack either the transport or the finances needed to do so and as a result have lost what should be their guaranteed right to justice. The Government argue that their modernisation programme reduces the need for an expansive courts estate, but we are clear that courts reform should increase access to justice, not ignore its erosion, and that any modernisation of our courts system must not be a smokescreen for cuts and closures that will cause long-term damage to access to justice.

As mentioned earlier, the Bill should have done much more to address the appalling situation of victims of domestic violence being subjected to questioning by those who assaulted them. Women’s Aid found that almost one in four of survey respondents had been cross-examined in this way. That unacceptable situation puts the victims of abuse through yet more torment and hardship, for no conceivable reason. It is cruel and barbaric. Measures to prevent it from happening and protect victims are supported by campaign groups on women’s rights and domestic violence, including Women’s Aid, but yet again such measures are absent from the Bill, despite having been in the Prisons and Courts Bill. There is no excuse for the Government’s not having included such measures in the Bill: that should shame them. I hope they can explain when such measures will be introduced to rectify the situation.

Where there is change, it is change that the Government have failed to impose with sufficient protection, and it is here that we will seek to amend the Bill. On a point of clarification, I should say that my hon. Friend the Member for Bolton South East did not mean to say earlier that we opposed the Bill: we will be abating some of our support but remain in Committee. We are determined to deliver change and reform to the courts and judiciary, even if through the Government’s piecemeal efforts, but we are equally determined that it not be done at the expense of the judiciary, legal protections or judicial independence.

As the Government seek to delegate judicial functions to non-judicial staff, they must be careful of their use; they must not overuse non-judicial staff or use them as substitute judges to fill the significant number of judicial vacancies, which have risen to critical levels on their watch. Judges must absolutely remain at the top of their hierarchy in the courts, and their position must not be undermined by non-judicial staff assuming more and more of their functions. Granting further powers to non-judicial staff not only risks undermining the judiciary, but runs the even more dangerous risk of delegating serious judicial functions to unqualified staff.

It is important for the Bill to contain provisions that prevent excessive delegation, protect the reputation of the judiciary, and protect claimants, prosecutors and defendants from unqualified decisions. The Government failed to impose with sufficient protection, and it is here that we will seek to amend the Bill. On a point of clarification, I should say that my hon. Friend the Member for Bolton South East did not mean to say that the Bill should be less about reform and more about squeezing as much money as possible from the courts.

There are also insufficient protections for the expertise of our judiciary. Those would be provided through the imposition of a minimum standard on staff to whom decisions are delegated. The Government argue that authorised staff will not be making substantial decisions, but in his review of efficiency in criminal proceedings Sir Brian Leveson states that even non-contested elements of cases require experience, and Lord Briggs has said in his report that even if authorised staff are legally trained and qualified, they will not benefit from years of judicial experience in delivering the quality of services that is currently delivered by judges.

It is therefore extremely important that the decisions being delegated to authorised staff are appropriate to their experience and qualifications, as the prospect of
non-qualified, inexperienced staff carrying out judicial functions is all too real and worrying. When such staff make decisions, it is also vital for those decisions to be subject to a statutory right to judicial reconsideration.

The Government state in their factsheet that the functions and responsibilities delegated to authorised staff will be uncontested, but it is easy to see how that could shift in the future to authorised staff making contested decisions, particularly in the absence of a clear definition of what delegation can be given. Justice has said that some of the functions anticipated for authorised staff, such as extending time for service and taking pleas, may well give rise to contested matters and have consequences for cases. It is therefore essential for the Government to impose a statutory right to reconsideration for decisions taken by authorised staff—a view supported by the Bar Council. In not imposing such measures when the public have a real and reasonable expectation that significant contested decisions in a court will be made by a judge—or, if not, that there will at least be a right of appeal or review before a judge—the Government are also playing fast and loose with the public’s trust in the judiciary and the rule of law.

The Government may claim that the procedure rule committees could and would impose similar safeguards in any rules that they produce, but that is simply not good enough, given that their amendments fail to offer sufficient guarantees of a right of review. We think that, and so does the Bar Council, which believes that a further amendment is necessary to abate its concern that the Government could exert pressure on the PRCs to reduce the right of reconsideration to increase the turnover of cases and clear the backlog. We are adamant that any backlog must not be cleared through the removal of a fundamental legal right of reconsideration.

Let me end by confirming that we will abstain today, but look forward to the Government’s seriously considering our amendments in Committee. The Lord Chancellor opened the debate in a spirit of collaboration. I assure him that all our amendments are very reasonable, and I am sure that he is an amiable chap who will view them in the same light. If the Government want to deliver a worthwhile Bill, they must listen to these arguments, not throw them aside. They must consider them in Committee before returning the Bill to the House.

3.49 pm

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): It gives me great pleasure to respond to the debate on this Bill, which, as many have said, is a small but important step in our court reform programme. As the Lord Chancellor set out in his speech, our courts together with our judiciary are respected throughout the world, but our courts and tribunals need to move with the times, and we have heard some excellent points today on how this Bill will improve our efficiency. I wish to respond to some of them.

As the excellent Chair of the Select Committee, my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), said, the Bill’s measures are important technical reforms that require a statutory base. He highlighted the importance of the judicial process in general—the importance of each case to the individual whose case it is. These are important points that the Ministry of Justice must always bear in mind.

My hon. Friend the Member for Stoke-on-Trent South (Jack Brereton) was right to point out, as I have, that this is but one part of a suite of measures of court reform. I was grateful to the hon. Member for Bristol West (Thangam Debbonaire) for saying there is a great deal that is good in this Bill, and she asked a number of questions that I am happy to answer. She said it is important that there be no reduction in justice overall, and was concerned about court closures. As 41% of our courts are used at less than half their available capacity, we must think about whether it is sensible to spend more money on the court estate as opposed to other things; at present a fifth of our budget is spent on the court estate. The hon. Lady suggested that we were pushing through this legislation at a time when the House is thinking about other things. That is patently untrue; its measures were included in the Prisons and Courts Bill, which was going through this House but fell at the general election.

The hon. Lady also raised concerns that must be addressed about the immigration tribunals. I highlight to her the measures we are introducing to give court staff the ability to undertake some judicial and other functions. They are already in operation in some tribunals. In the first and upper tier tribunals, for example, there are already three tiers of staff authorised to exercise different judicial functions; the most basic functions of issuing standard directions at commencement of a case can be carried out by authorised staff members at some tribunals; slightly more complex functions are undertaken by caseworkers; and the most complex of the delegated functions are generally reserved to registrars, who are legally qualified. The hon. Lady asked whether I have read “The Secret Barrister”, and I am happy to confirm that the Lord Chancellor and I read it many months ago, just as we read many other publications that affect our Department.

The hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) thought the measures were a cost-cutting exercise. They absolutely are not; we are asking ourselves how to use resources in the best way possible, how to deploy our judges as efficiently as possible, and how to ensure people get fair and swift judgment. That is not just our view; this is the view from Members across the House. As Lord Marks said in the other place,

“It seems to us relevant that the purpose of this part of the legislation is to increase efficiency and—hopefully, and to everybody’s advantage—the speed of decision-making within the court and tribunal systems, while making some cost savings in so doing.”

[Official Report, House of Lords, 16 October 2018; Vol. 793, c. 414.]

There are three key clauses in this Bill. One is clause 3 on authorised functions, which allows appropriately qualified and experienced court staff in civil, family and magistrates courts and the High Court, Court of Appeal, Court of Protection and tribunals to continue to carry out uncontroversial and straightforward judicial functions under judicial supervision. My hon. Friend the Member for Cheltenham (Alex Chalk) made an important point that I highlighted to the hon. Member for Bristol West: some court staff in these jurisdictions are already carrying out certain of these functions, but we are extending that to the Crown court, committing freeing up judges from the most routine tasks, ensuring that case preparation and management tasks are distributed at the appropriate level, or reserved to judges when that is proportionate.
As the right hon. Member for Kingston and Surbiton (Sir Edward Davey) highlighted, the Bill prevents certain judicial functions—for or example, committing someone to prison or serving injunctions—from being undertaken by authorised staff. As his colleague Lord Marks said in the other place, it is right that these should not be delegated.

The hon. Member for Bolton South East (Yasmin Qureshi) suggested that there would be limited scrutiny of officers. This ignores the reality of the Bill, because their tasks will be set by the rule committee, which will be independent, judicially led and therefore best placed to determine the functions of staff. The committee will have a broad membership, including judiciary, representatives of court users and legal professionals. Lord Thomas said in the other place that “it is important to stress the degree of control inherent in the Bill by the use of the rule committee. I was a member of and chaired...the Criminal Procedure Rule Committee, which I can assure you is a highly representative body with many representatives of the legal profession.”—[Official Report, House of Lords, 20 June 2018, Vol. 791, c. 2039.]

The hon. Lady asked for three years’ post-qualification experience, but qualifications for staff giving legal advice should be set out in regulations, as they have been since 1979. Qualifications ought to depend on the functions involved, and many of the functions that staff currently exercise are straightforward and routine and do not require a legal qualification. An example would be the fixing of hearing dates. She also said that she wanted a statutory right for reconsideration, but many rule committees in the civil and judicial jurisdictions already have a right to reconsideration built in. Magistrates and family courts already have mechanisms for reviewing decisions. This is up to the rule committee, and if it decides not to create such a right, it must give its reasons to the Lord Chancellor, as the Bill states.

My hon. Friends the Members for Cheltenham and for North Dorset (Simon Hoare) talked about the independence of staff. The Bill introduces a statutory guarantee of independence from the Lord Chancellor for authorised Courts and Tribunals Service staff in all jurisdictions, and makes staff answerable to the Lord Chief Justice or the senior president of the tribunal, rather than the Lord Chancellor.

This has been a wide-ranging debate in which the technical matters of the Bill have been raised along with a large number of other matters, which I shall mention briefly. My hon. Friend the Member for Bromley and Chislehurst talked about the wider Bill; I should stress that the Lord Chancellor and I are keen to bring forward wider legislation in relation to courts, and we will do so as soon as parliamentary time allows. My hon. Friend the Member for Henley (John Howell) rightly advocated for the industry and parliamentary placement scheme, which the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) also raised with me in oral questions recently. It is an excellent scheme, and I encourage all those who are interested in joining it to do so.

My hon. Friend the Member for Cheltenham spoke about the importance of the judiciary, and he was absolutely right to highlight that point. Our judiciary is respected throughout the world, and we need to continue to attract the best talent to it. My hon. Friend the Member for Henley mentioned the importance of digitisation. We have a number of schemes in which we are bringing digitisation to our courts. For example, people can now apply online for probate, and petition online for divorce, and we are also bringing a significant amount of technology to the social security tribunal.

I would like to end by responding to the points raised by the hon. Member for Bolton South East and the hon. Member for Bradford East (Imran Hussain) on the shadow Front Bench. They suggested that we were not addressing the bigger issues, but I would like to remind the House that we have been looking at the important question of legal aid for a number of months. We are in the middle of a legal aid review, and we are aware of the issues that are being raised. We will report on that by the end of the year. Hon. Members also raised the issue of domestic violence. As they will know, we have recently consulted on that issue, and we will be bringing in a domestic violence Bill. As they are also aware, cross-examination in the courts will be covered by that Bill.

Finally, we recently consulted on our approach to court closures, and I would like to clarify a number of matters raised today in relation to court closures and finance. The hon. Member for Bolton South East suggested that petty sums were being raised by our court closure programme, which is not true. Since 2015-16, we have recovered £122 million from the court closure programme, all of which is being reinvested in our justice system, and have spent approximately £170 million on capital maintenance.

The Ministry of Justice is committed to continuing to protect the individuals who go through our justice system, and to making their experience better, speedier, fair and just, and it is on that basis that I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

Business without Debate

COURTS AND TRIBUNALS (JUDICIARY AND FUNCTIONS OF STAFF) BILL [LORDS]

(PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A(7)).

That the following provisions shall apply to the Courts and Tribunals (Judiciary and Functions of Staff) Bill [Lords]:

Committal

(1) The Bill shall be committed to a Public Bill Committee.

(2) Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 6 December 2018.

(3) The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

(4) Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

(7) Any other proceedings on the Bill may be programmed.—(Gareth Johnson.)

Question agreed to.

COURTS AND TRIBUNALS (JUDICIARY AND FUNCTIONS OF STAFF) BILL [LORDS] (MONEY)

Queen’s recommendation signified.

Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),

That, for the purposes of any Act resulting from the Courts and Tribunals (Judiciary and Functions of Staff) Bill [Lords], it is expedient to authorise the payment out of money provided by Parliament of any expenditure incurred under or by virtue of the Act by the Lord Chancellor.—(Gareth Johnson.)

Question agreed to.

DELEGATED LEGISLATION

Madam Deputy Speaker (Dame Eleanor Laing): With the leave of the House, we shall take motions 5 to 7 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES)

That the draft Short Selling (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 9 October, be approved.

That the draft Deposit Guarantee Scheme and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 9 October, be approved.

EXITING THE EUROPEAN UNION (CONSUMER PROTECTION)

That the draft Timeshare, Holiday Products, Resale and Exchange Contracts (Amendments etc.) (EU Exit) Regulations 2018, which were laid before this House on 22 October, be approved.—(Gareth Johnson.)

Question agreed to.

SELECT COMMITTEE PRACTICE AND PROCEDURE (EFFECTIVE WORKING)

Resolved,

That this House approves the recommendation of the Liaison Committee in its First Report, Changing committee practice and procedure: enhancing effective working, HC 922 regarding the attendance of a member of one committee at another by invitation, and accordingly orders that Standing Order No. 137A be amended by adding the following sub-paragraph to paragraph (1): “(e) to invite members of any other committee to which this order applies to attend any meeting and, at the discretion of the chair, ask questions of witnesses or otherwise participate in its proceedings; but no member of another committee so invited may move any motion or amendment, vote or count towards the quorum.”—(Andrea Leadsom.)

PETITION

A National Carers Strategy for Unpaid Carers

4.2 pm

Barbara Keeley (Worsley and Eccles South) (Lab): I rise to present a petition on behalf of residents of the United Kingdom who are unpaid carers, including Katy Styles. Carers Rights Day is on Friday 30 November, and it is important that we show that unpaid carers are valued, and that we consider their need for a proper national carers strategy.

The petition states:

The petition of residents of the United Kingdom, Declares that unpaid carers require a National Carers Strategy; further that the Department of Health and Social Care asked unpaid carers for evidence for a Carers Strategy in 2016 and have failed to produce that Carers Strategy; and further notes an online petition (209717) on this subject has received 2,124 signatures. The petitioners therefore request that the House of Commons urges the government to produce National Carers Strategy to support unpaid careers with wider changes to benefits, employment and health and care systems that unpaid carers need, resulting in recognition and valuing of unpaid carers contributions to society. And the petitioners remain, etc.

[PP002298]
Jagtar Singh Johal

_Motion made, and Question proposed. That this House do now adjourn._—(Gareth Johnson.)

4.3 pm

_Martin Docherty-Hughes (West Dunbartonshire) (SNP):_ I thank the offices of Mr Speaker for allowing this important Adjournment debate this afternoon about my constituent, and a son of the Rock, Jagtar Singh Johal. It has not been straightforward, but as you will know, Madam Deputy Speaker, I have found many ways of raising the issue of my constituent's ongoing detention in India on the Floor of the House over the past year, and it is a matter of ongoing concern that I must continue to find other ways to do so. Everyone will have heard me say over the past year that a critical element of all this is seeking a meeting with the Foreign Secretary of the day for myself and the Singh Johal family. I am glad to say that Jagtar's brother is with us today in the Under-Gallery. He has travelled down from Dumfriesshire.

Jagtar Singh Johal is 31, and he grew up in the ancient burgh of Dumfries in my constituency, attending Our Lady and St Patrick's High School in the town, making him a true son of the Rock of Dumbarton. In October 2017, Jagtar travelled with his father and brothers, including Gurpreet, to be married to his wife, also known as Gurpreet, on 18 October 2017—a joyful occasion for the entire family.

While the rest of the immediate family travelled back to Scotland on 1 November, Jagtar decided to stay in Punjab with his wife because, as many Members will know, she required a visa to enter the UK—a visa, I must note, she has still to be granted, although I appreciate that does not enter the Minister's purview.

On Saturday 4 November 2017, Jagtar and Gurpreet did something most couples usually do on a Saturday. They went shopping—we all do it—in Rama Mandi, just outside Jalandhar city, where he was suddenly stopped by two men who had no distinct markings or identification. He was hooded and taken away from his wife a little over a fortnight after their wedding. It subsequently emerged that the men were plain-clothed police officers, and that Jagtar was being taken to—forgive my pronunciation if it is not correct—Bagha Purana police station. I can only imagine the horror that Gurpreet, including Gurpreet, to be married to his wife, also known as Gurpreet, on 18 October 2017—a joyful occasion for the entire family.

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While the rest of the immediate family travelled back to Scotland on 1 November, Jagtar decided to stay in Punjab with his wife because, as many Members will know, she required a visa to enter the UK—a visa, I must note, she has still to be granted, although I appreciate that does not enter the Minister's purview.

On Saturday 4 November 2017, Jagtar and Gurpreet did something most couples usually do on a Saturday. They went shopping—we all do it—in Rama Mandi, just outside Jalandhar city, where he was suddenly stopped by two men who had no distinct markings or identification. He was hooded and taken away from his wife a little over a fortnight after their wedding. It subsequently emerged that the men were plain-clothed police officers, and that Jagtar was being taken to—forgive my pronunciation if it is not correct—Bagha Purana police station. I can only imagine the horror that Gurpreet, including Gurpreet, to be married to his wife, also known as Gurpreet, on 18 October 2017—a joyful occasion for the entire family.

It is a matter of considerable sadness that this was not the end of the ordeal. Jagtar was taken some considerable distance—I estimate it to be around two hours—from where he had been held in Jalandhar. It was there, according to Jagtar himself, that torture began almost immediately, and I must warn the House that I am now going to describe it:

"The torture took place over 4 days, from 4th until the 7th of November at Moga... The torture took place intermittently, numerous times each day. Electric shocks were administered by placing the crocodile clips on my ear lobes, nipples and private parts. Multiple shocks were given each day... At some stages I was left unable to walk and had to be carried out of the interrogation room. Since then I have had problems urinating... Threats of taking me to a remote location where I would be shot dead were also given. At one point petrol was brought into the room and I was threatened with being burnt"—

I would assume burnt alive. He continues:

"The police forced me to make recordings in which I had to name according to what they were telling me to say. Blank pages were also forcibly signed from me".

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for raising this issue, the importance of which is indicated by the number of Members present. Does he agree that the treatment of any British citizen or national in custody must be a concern of the Government and of the Minister? There is an onus on the Government to ensure that no torture of British subjects is accepted, wherever in the world it may happen. If a Government know torture is happening, action has to be taken.

Martin Docherty-Hughes: I thank the hon. Gentleman for his intervention and am sure he will know that I will not disagree.

It was extremely important to set my constituent's predicament in context and to relate it to the House. It is also important to note that Jagtar's letter is clear—some would say it is in unemotional language—despite the horror that he must have experienced. It is available to the state authorities of the Republic of India to investigate, should they ever wish to.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): I thank the hon. Gentleman for his excellent leadership on this issue on behalf of his constituent. Does he agree that from the outset we have been asking for a fair and due process—for unhindered legal access, unhindered consular access, and an independent medical examination and investigation, which has not happened thus far? We have also asked for answers from Ministers on behalf of the hon. Gentleman's constituent, but unfortunately they have not been forthcoming, either.

Martin Docherty-Hughes: I certainly will not disagree with the hon. Gentleman. I am sure that in the rest of my speech I will answer every element of his questions prejinctly and precisely, and I will not disagree with him.

The UK high commission in Chandigarh was initially made aware of Jagtar's detention on 6 November 2017. It first attempted to visit him on 10 November, although I must make it clear to everyone in the House that that authority was refused by the state authorities. I first raised the issue via a point of order on the Floor of this very House on 15 November that year—the day before Foreign and Commonwealth Office officials were granted access.

It is important to set out the process and the narrative—the historical reality, even over the short period of a year. The Tuesday after officials were granted access, Jagtar's brother Gurpreet was in the Public Gallery for Foreign Office questions and heard me ask about the case. Like me, he was encouraged at that point to hear the response from the then Minister of State, the hon. Member for Penrith and The Border (Rory Stewart), who said:

"We take any allegation of torture seriously, as, indeed, do the Indian Government. It is completely unconstitutional and offensive to the British Government. We will work very closely to investigate the matter and will, of course, take extreme action if a British citizen is being tortured."—[Official Report, 21 November 2017; Vol. 631, c. 858.]

Those were strong words that the family and myself appreciated. I will ask again at the end of my speech, but will the Minister today enlighten us as to what that
extreme action was and what the Government’s investigations concluded? We should also note that the then Minister was of course removed with due haste.

Mr Jim Cunningham (Coventry South) (Lab): The hon. Gentleman has been tenacious on this issue over the past 12 months. Many of us have countersigned letters from him to the relevant Indian authorities. The Minister really has to tell us what the deputy high commissioner was doing making statements in The Times of India that certainly did not help Jagtar’s situation, along with why torture was allowed to continue without any real representations being made. I hope that he will answer these questions. A pattern is developing in which British citizens—either in Iran or in any other country now—seem to be under threat. I wonder what the Foreign Office is doing about that, and I hope the Minister will respond to that today.

Martin Docherty-Hughes: I am glad of the hon. Gentleman’s intervention and grateful for his tenacious support over the past year, as I am for the support of so many Members from all parties. Many of them cannot be here today since the business has finished so early, because—would you believe it, Madam Deputy Speaker?—we seemingly have nothing to debate during Government time. What an incredible moment in the history of this place to be here when the House’s business falls at 4 o’clock in the afternoon. Nevertheless, it does give me the opportunity to talk for quite some time about my constituent’s case.

Chris Stephens (Glasgow South West) (SNP): I thank my honourable comrade for giving way. He is making a fantastic speech, and he has been a tenacious campaigner. Will he give due credit not just to Members of this House, but to the hundreds of my constituents who have written to me about the issue? I am sure that I am not the only Member who has had hundreds of constituents writing in, expressing real concern about the lack of Government action.

Martin Docherty-Hughes: I am grateful for that intervention. There are citizens from all across these islands—not just members of our communities who happen to be Sikh—looking to support Jagtar Singh Johal. Of course, the Sikh communities across these islands are profoundly disturbed by the situation, but citizens across the whole of the UK and abroad—in Canada, Australia and other nations—are communicating with me on a regular basis to extend their support for the family’s wish for due process.

Emma Reynolds (Wolverhampton North East) (Lab): I pay tribute to the hon. Gentleman for his formidable leadership on behalf of his constituent. Does he agree that, apart from direct contact with the Indian Government, it is important that the UK Government also make representations to the UN, in particular about UN special procedures and other UN mechanisms that can push this case further?

Martin Docherty-Hughes: The hon. Member is, of course, correct. I will go into that in a bit more depth later in my speech.

Alison Thewliss (Glasgow Central) (SNP): I thank my hon. Friend for giving way and for pursuing Jagtar’s case in the way that he has. He has, in solidarity with him, the support of the three gurdwaras in the Glasgow Central constituency. Does he agree that Jagtar’s case raises wider concerns for the members for each of those congregations that, when they travel to India, they may face similar threats and that there are real and genuine worries for their own safety?

Martin Docherty-Hughes: I could not disagree, as I often say, with my hon. Friend. The gurdwaras not only in Scotland but across the whole of the UK share that concern about the ability of the Sikh diaspora to return to India and to engage freely. It is an issue for all of us as citizens, not just for those of a certain faith with clear relation to the Punjab. It is for any UK citizen travelling abroad to consider the support that they may be given once an issue arises.

Patrick Grady (Glasgow North) (SNP): Like others, I have heard from a significant number of constituents about this case, particularly from those who attend the Guru Nanak Sikh temple in Otogo Street, but also, as my hon. Friend says, from the wider community. There are concerns about the different approaches that the UK Government seem to take to citizens held in captivity in different countries. Does he agree that there must be consistency of approach from the Foreign Office, that all UK citizens who are held overseas must be treated with fairness and justice, and that, where there is a question of injustice, we must make efforts to ensure that people have the opportunity to return home?

Martin Docherty-Hughes: I am grateful to my hon. Friend for his intervention; I think he might have read my speech and got to the end of it before me, because I was going to raise that point. I know that it is an issue not only for the all-party parliamentary group for British Sikhs—I see its redoubtable chair, the hon. Member for Birmingham, Edgbaston (Preet Kaur Gill), in her place—but for the all-party group on deaths abroad and consular services, the chair of which is my hon. Friend the Member for Livingston (Hannah Bardell), who is on my party’s Front Bench at the moment.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP) rose—

Martin Docherty-Hughes: I ask Members to bear with me, because I know that my hon. Friend wants to come in as well.

Drew Hendry: I am grateful to my hon. Friend for giving way. I, too, pay tribute to him for his dogged pursuit of justice in this case, which is marked by a lack of action by the UK Government in providing some response. Does he agree that the Foreign and Commonwealth Office deserves great praise this week for the work that it has done for Matthew Hedges, and that the speed and application that it has used to resolve that case contrasts with the situation of his constituent, Jagtar? What does he put that down to? Why does he think that things have taken so long in Jagtar’s case?

Martin Docherty-Hughes: If I had the answer to that, we would not need to have this debate on the Floor of the House today. I wish the young gentleman who has been released all the very best in their future. The clear issue is that my constituent is yet to appear in court and makes an accusation of torture. The similarity is glaring,
my constituent’s situation is profound. I am sure that the Minister may wish to consider my hon. Friend’s question when responding.

**Hannah Bardell** (Livingston) (SNP): My hon. Friend has done an incredible job of making representations on his constituent’s behalf. The details of the alleged torture are horrific. The all-party parliamentary group on deaths abroad and consular services was set up to understand why people who die abroad or are incarcerated illegally do not have the representation that they deserve from the Foreign and Commonwealth Office. Does he agree that the challenge between diplomatic relations and consular services is something that we must look into more and that the Government must do everything they can to address, to ensure that Jagtar is released and gets proper representation and due process?

**Martin Docherty-Hughes**: I will not disagree with my hon. Friend. Interestingly, over the last few weeks the BBC has decided to run a programme that is, I suppose, trumpeting the Foreign and Commonwealth Office and, critically, the staff who work there—the vast majority of whom do a very good job; I am sure that there are some in the advisers’ Box. Their commitment, which I will go into in more detail later, is second to none. I must be clear that I have much respect for the Minister of State at the Dispatch Box, and am grateful for their personal engagement and support on this issue. However, right at the top of the FCO there are very serious concerns about investment.

When the BBC shows next week’s episode of how wonderful the FCO is—it will cover consular support, which has been mentioned—I do hope it gets to the nitty-gritty regarding the FCO teams on the ground. I am not saying that these teams are making it up on the hoof, but they are having to work with situations as they emerge without what I would consider to be a proper framework like those used by teams in the United States and other Commonwealth nations.

I hope to make some progress, because the fact that the Adjournment was moved early means that I could technically talk until about quarter past 7.

**Hon. Members:** Hear, hear!

**Martin Docherty-Hughes**: We will move on quickly.

Let me return to my constituent’s position. Things moved very quickly in the initial stages, and the then Secretary of State—the right hon. Member for Uxbridge and South Ruislip (Boris Johnson), who I see is not even on the Back Benches today despite having a very substantial Sikh diaspora in their constituency—raised the issue with the Indian Minister of External Affairs. The following day, the UK high commissioner raised the issue again with Indian Ministers, and the deputy high commissioner even met with the Chief Minister of Punjab on 1 December.

**Preet Kaur Gill** (Birmingham, Edgbaston) (Lab/Co-op): I thank the hon. Gentleman for acquiring this really important debate. He is making an excellent speech. May I put on the record how commendable his leadership in this case has been? I know that the situation has been very difficult. Does he agree that, despite the deputy high commissioner in Chandigarh meeting with Jagtar, it is unclear what representations—if any—he made to the Chief Minister of Punjab in respect of the case and the serious allegation of torture?

**Martin Docherty-Hughes**: The hon. Member makes a serious point of which the House must be aware. Yes, I am still of that opinion. The deputy high commissioner returned to the UK from India in recent months, and was discussing my constituent’s issue in public meetings. No invitation was extended to me as my constituent’s MP to discuss the case with the deputy high commissioner. No invitation was extended to his family—sitting in the Under Gallery today—to discuss it.

How did it come about that I and my constituent’s family got to discuss the issue with the deputy high commissioner, who has visited my constituent? I have not had that luxury. It was through the office of the hon. Member, who was aware of him being in the country. To say that that meeting was fraught, or even frosty, would, I think, be the diplomatic way of putting it. So, wholeheartedly, I cannot disagree with the hon. Member.

Although the initial contacts have been welcome—I cannot say that they have not—these issues create the consistent narrative over the past year: superficiality underpinned by an incoherent approach to consular support that should concern all of us. Whether or not the Government live up to the promise given by the then Minister of State about extreme action, I hope that when the Minister rises to respond, he will correct me if I have doubts about that.

I am glad to say that the Government have not been the only source of pressure applied to the Government of the Republic of India on Jagtar’s case. In this place, the APPG on UK Sikhs, led by the redoubtable hon. Member for Birmingham, Edgbaston, has been a great source of support for me, for the family, and for my staff—or rather my team; I do not use the word “staff”—some of whom are in the Gallery. It has been a great source of information and has done its bit to raise awareness of the story. A few of its members are in the Chamber today. I am extremely personally grateful to them.

The Sikh community across these islands make an invaluable contribution to our daily life and culture. They have also been vocal in keeping this case in the limelight. Whether it be organisations such as the Sikh Federation, or gurdwaras across these islands, I would not have been buttonholed by so many right hon. and hon. Members asking me about the case were it not for their Sikh constituents raising it repeatedly with them. I pay due tribute to those members of the Sikh community across the UK. They face some very difficult decisions about what it means to be Sikh in relation to India. There is a clear issue in how they approach return to the Punjab in relation to some of the issues we raise here today.

The Singh Johal family and I have been very grateful for the work that the charity Redress has done. Again due to the fact that the House’s business has fallen early, some of its staff and team who wanted to be here today cannot. I pay due regard to them for the work that they have done. Redress helps survivors of torture to obtain justice, and its attempts in this case have been most welcome. We heard earlier reference to the United Nations.
It was Redress that sent an appeal to the United Nations special rapporteur on torture, Professor Nils Melzer, in December last year, asking the UN to ensure that the Republic of India could guarantee that Jagtar would suffer no repeat of the alleged torture of that November.

Jagtar’s case also featured in the report released earlier this year about the plight of UK nationals tortured abroad. However, it is my deep regret to say that this has not been met with any discernible reaction from the Republic of India authorities, despite the numerous examples cited in the Government-to-Government contacts, and despite my having first raised the issue with them some time ago.

In having this debate on the Floor of the House, I do not intend to disagree with the Government of the Republic of India on their sovereign right and ability to apply the laws of their republic in the way that they see fit. To do so from the Floor of a former colonial Parliament would be an affront to their dignity and the sovereignty of their citizenship. Nevertheless, my duty to my constituent is to highlight that serious charges have been laid, and I must only hope that they are tested in a manner consistent with the laws and practices of the Republic of India—that is, the rule of law and due process, some of the few things that I believe everyone in this House can support. However, I am afraid to say that those two necessary pillars of liberal democratic statehood are being sorely tested in Jagtar’s case.

Just over a month after he was arrested, and just after Foreign and Commonwealth Office officials had met with Jagtar, a story appeared on the “Times Now” website that appeared to show extensive knowledge of the case and, most disturbingly, showed a video of Jagtar confessing to several crimes—something that he obviously contends was done under duress. That has set the pattern for a series of seemingly well-informed leaks and briefings to Indian media regarding the case, which have caused great concern to those who wish to see Jagtar receive a fair trial and which have often had a sinister, if not sectarian, air.

In terms of due process, it is very important that I am not standing here—nor should any Member of any Parliament in a liberal democracy—demanding that under the rule of law a constituent is set free before trial if serious charges are being brought.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I would like to say on behalf of Scottish Labour Members that we support the Sikh community, and we support the hon. Gentleman in the work he is doing for his constituent.

Martin Docherty-Hughes: I thank the hon. Member for that.

The notion is quite clear. My constituent has now been in court more than 60 times. Not one witness is brought forward—no one appears—and he is then taken back to prison. I wish for him to either receive a fair, transparent trial based on due process, with charges that are properly laid, or, if there are no witnesses and no evidence, for him to be released.

Mr Pat McFadden (Wolverhampton South East) (Lab): The point that the hon. Gentleman is making is the critical one. The legitimate role for him as the constituency MP and for others in the Chamber who represent large Sikh communities throughout the UK is not to tell Indian Ministers or Indian courts what to do, but, through Ministers and the Foreign Office, to ask that citizens are afforded proper consular access, due process and fair trials. It is then up to the legal system to pronounce on guilt or innocence, but it is legitimate for us to ask for those things.

Martin Docherty-Hughes: I certainly agree. The international rules-based system is being attacked at every corner, and those of us who believe in liberal democratic government should give no inch to calling out undemocratic practice, whether it be by a close ally, the Republic of India or the United Arab Emirates.

John Spellar (Warley) (Lab): I thank the hon. Gentleman, my fellow member of the Defence Committee, for giving way. Is not the crux of the matter that if India is so sure about Jagtar’s guilt and thinks it has assembled so much evidence, it should either let him free or—I hope this is what our Foreign Office is saying—bring this to a conclusion and bring the case to a trial? Otherwise, with over a year having gone by, it has not established a case.

Martin Docherty-Hughes: The right hon. Member makes a clear point. Since nearly day one in this case, state authorities in Punjab have been quite open that they believe my constituent to be guilty. They have conducted a trial by media, and they have made it quite clear that they expect him to be found guilty if a trial should ever take place. That clearly undermines the very principle of due process in the Republic of India, which should concern us all.

Carol Monaghan (Glasgow North West) (SNP): My hon. Friend is passionate in support of his constituent, as he has been over the past year. Does he share my concern that the Indian authorities are currently not only sitting on their hands, but actually boasting of their diplomatic successes with the UK Government?

Martin Docherty-Hughes: I am certainly not going to disagree, because I think everybody is boasting about their diplomatic successes against the UK at the moment in a most dreadful sense, and that should concern us all.

The epitome of the approach was seen in the recent appearance of Indian Deputy High Commissioner Dinesh Patnaik on the BBC Asian Network in January, when he breezily said that “Jagtar will be charged and he has not been subject to torture”, despite the lack of any public investigation by the authorities of the Republic of India and the fact that no charges were laid before the courts, basically, for more than six months. These realities must be passed on if people are to understand the true nature of what is happening. Such comments have led many to conclude that due process has been overlooked, if not intentionally undermined, and that many have already made up their mind about my constituent’s innocence or guilt—something that is utterly unacceptable to me. I am sure to the Minister and I hope to Members in all parts of the House.

Hannah Bardell: My hon. Friend is being very generous in giving way. Just to take him back very briefly to the point about media and press coverage, there are some
significant parallels with the case of my constituent Kirsty Maxwell, who was, we believe, killed abroad, in Spain. The stress it causes to the family when there is misreporting and misinformation in the media and often the lack of support from the FCO—I appreciate that there are significant challenges—is something that we absolutely must address. I commend my hon. Friend for the comments he has made and the challenge he has offered to the Indian press in regard to his constituent.

Martin Docherty-Hughes: I am grateful for my hon. Friend’s intervention. On the media and differing approaches, since I was first elected to this House in 2015, I have had to deal with several cases of consular support, where media intrusion has had a detrimental impact on the cases. That is true not just in Jagtar’s case. I am mindful of the case of my constituent Lisa Brown, who has been missing in Spain—we presume murdered—and the distress caused to her family by some of the ways in which the media approached that case. It is the same for many Members who have constituents who have died or are in detention abroad.

I can only hope that the publicity generated by this debate will leave the Foreign and Commonwealth Office in no doubt that it must not relent in its efforts to ensure that all these elements—transparency over the torture allegation; due process; the assumption of innocence until proven guilty; and the rule of law in ensuring that all allegations are dealt with appropriately—are addressed by the Government of the Republic of India. The family and I expect the FCO to fulfil these duties. Critically, at some point down the line, we may eventually be able to have a trade agreement with the Republic of India. What type of trade will we have where we might sacrifice our ability to defend democracy and its pillars for free trade?

Let me touch on elements away from Jagtar’s case that give me cause for concern. The job of a Member of Parliament gives you the privilege and the challenge of representing all your constituents, and this often means offering assistance when they have had adverse experiences abroad. As I have said, Jagtar’s case is not the only one that I have seen up close with the FCO. Although I have found the overwhelming majority of those who work in the Foreign and Commonwealth Office to be professional, dedicated and diligent representatives of their organisation—I cannot name them, but they have heard me say this—they are dealing with structures and resources that often do not allow them to give the level of service they would hope to. That can cause a large amount of frustration for family members and create a vicious cycle of misunderstanding and failed expectation.

When Jagtar’s brother and I hear a Minister of the Crown say from the Dispatch Box that they will take “extreme action”, we do not immediately appreciate—none of us would—that the staff at the sharp end of that action will be under-resourced, poorly supported and left at the whims of the politicians who lead that organisation. My hon. Friend the Member for Livingston (Hannah Bardell) shone a light on that in her work on the all-party group on deaths abroad and consular services. I am sure Members across the House will agree that this vital work should improve the experiences of our constituents, should they find themselves in the same position as Jagtar’s family.

We all appreciate that we are in the middle of the greatest upheaval in this political state’s foreign policy since 1921. If Members do not know what happened to what was then the United Kingdom of Great Britain and Ireland in 1921–22, they should go to the Library. It has been all too often left unsaid in our present predicament that a “global Britain” of any sort must be properly resourced and that resources must not be to the detriment of consular services across the globe. Ensuring a consistent service, allowing the best practice, which we know exists in the FCO, and listening to the thousands of dedicated, diligent and professional staff across the globe to ensure that families who experience the worst are given a clear but compassionate idea of the roles of the FCO and the responsibilities it has towards them, would make a world of difference. They are not asking for huge elements of massive investment; they are asking for clarity and a process that we can all agree on.

Families such as Jagtar’s appreciate that there is no simple way to assuage their concerns, and that the efforts made by Ministers cannot always be made public or be shared with them. The family and I appreciate the efforts of the Prime Minister in raising the case with her counterpart. Prime Minister Modi, in April, but I am sure the Minister appreciates that we are wondering why it is still necessary to be asking many of the same questions as we were a year ago through an Adjournment debate on the Floor of the House of Commons.

You may be glad to know, Madam Deputy Speaker, that I am going to start bringing my remarks to a close.

Hannah Bardell rose—

Martin Docherty-Hughes: With that, my hon. Friend would like to intervene. I will certainly give way.

Hannah Bardell: I thank my hon. Friend for giving way. Does he share my concern about properly resourcing and training our consular staff? They do a very difficult job in some of the most challenging circumstances, but they will be facing up to £1 billion of cuts in the coming financial year. Add to that the challenge of Brexit, and our FCO needs the support of this Government and its Ministers to ensure that our constituents are properly represented when they get into challenges or trouble abroad.

Martin Docherty-Hughes: I am not going to disagree with my hon. Friend. There is a resource issue. One of the FCO’s greatest resources is its members of staff. They have knowledge and capacity. No matter what I think of the constitutional position of this country, they are diligent professionals in their jobs.

Angela Crawley (Lanark and Hamilton East) (SNP): I praise my hon. Friend for his tireless campaign on behalf of his constituent Jagtar and his family. Does he share my deep concern that, given the FCO’s recent success and the publicity around the Matthew Hughes case, it is simply not good enough for the Minister to stand here today and offer platitudes? There has been inaction and a lack of capacity in this case, which has resulted in Jagtar’s family being adversely affected. Does he share my concern that the Minister can and should do more in this case?

Martin Docherty-Hughes: I am grateful for my hon. Friend’s intervention. As parliamentarians, we all appreciate that every consular case is different. We cannot assume
that any case is the same and therefore we appreciate a level of flexibility. As I said earlier, in the case from the UAE, it is extraordinary how this has suddenly happened. I am delighted for them, but there are levels at which even the Minister could not answer the questions. I will give them that, because as I said the Minister of State has been resolute in their support.

We now need to wind up and ask the questions specifically on the case of Jagtar Singh Johal that the Minister will be able to answer, or to take away and write to us on. First, what does extreme action mean? Can the Minister tell us how that has been undertaken since those words were uttered by the then Minister of State at the Dispatch Box? What have the authorities of the Republic of India done, if anything, to address the allegations of torture that now rest with the UN rapporteur? Does the Minister agree with me that the leaks and briefings to the press from the authorities in India risk making a fair trial for Jagtar all but impossible?

Will the Minister tell me what plans the Foreign and Commonwealth Office has to improve the experiences of families of UK citizens who have adverse experiences abroad? Finally—this is the important question—when will the Secretary of State fulfil the commitment of their predecessor to meet me and the Singh Johal family? How has it come about that I am having to make that request on the Floor of the House of Commons when time and again communication with Ministers has not even seen a reply? It even got to the point, Madam Deputy Speaker, where I had to ask Mr Speaker how to go about getting an answer, to which the reply was, “You have written your letter, and if you have not had a reply, how about putting down a written question?” What an extraordinary state of affairs in a modern parliamentary democracy. What do we have to go back to—the quill and paper?

That question is important, because of the inconsistency of the narrative in other cases. The Foreign Secretary—both the present one and their predecessor—has unequivocally opened their doors to meet certain families in specific cases. I am absolutely delighted for them, but this is an extraordinary state of affairs. I see my hon. Friend, the Member for Walsall North (Eddie Hughes) across from me. I said earlier that I would mention an incident that happened to us both in relation to this case. My hon. Friend, as a constituency MP, met the then Foreign Secretary and that meeting about my constituent—any MP can talk about an issue raised by their own constituents—made its way to social media. I was delighted that that raised the issue, but I was not delighted that the Foreign Secretary was sitting talking to another constituency MP about my constituent’s issue when they would not respond to letters and—I give a nod to the Minister, who is on a sticky wicket here—said from a sedentary position, “Wurr wurr wurr” and then was off within a week.

Eddie Hughes (Walsall North) (Con): Will my hon. Friend give way?

Martin Docherty-Hughes: I certainly will.

Eddie Hughes: I use the words “hon. Friend” deliberately. Jagtar’s cousin lives in my constituency and came to see me. I have a strong and large Sikh community in my constituency, so of course I took that opportunity to raise that case on their behalf. All I meant to do was add my weight to support the case being made by my hon. Friend.

Martin Docherty-Hughes: I am delighted at what my hon. Friend did, because it gave the case impetus. It reminds the nation state and Members that this continues, but the Foreign Secretary had to be asked via someone else on the Floor of the House, “Are you going to meet him?” What a ridiculous proposition—that it comes to that stage. So the final question is: when is the Foreign Secretary going to meet the constituency Member for West Dunbartonshire and the Singh Johal family?

These allegations of mental and physical torture, of threats of violence against family members, simulated executions and forced confessions were horrifying enough when we first heard them more than a year ago. It has got harder as the year has gone on. Furthermore, the longer it takes for the authorities of the Republic of India to address the issue, the possibility of torture reoccurring cannot be ruled out. I hope everyone in this House can join me in beseeching the Government of the Republic of India to do all they can to ensure that transparency, due process and the rule of law win the day in this case.

I am grateful to the hon. Members who have attended this debate today, and to those who have intimated their support but who have not been able to be here. We are showing our support to the wider Sikh community across these islands for my constituent, a son of the Rock of Dumbarton.

4.51 pm

The Minister for Asia and the Pacific (Mark Field): I am grateful to the hon. Member for West Dunbartonshire (Martin Docherty-Hughes) for securing this debate on the detention of his constituent in India, on whose behalf he has been working extremely hard this past year or so. I recognise the deep concern felt by a number of other Members who are gracing us with their presence in this Adjournment debate about Mr Johal’s situation. Representing as I do an inner-city seat—the one that covers where we are today—I, too, have a reasonably sized Sikh community in my constituency, and it has made me well aware at the outset of the issues in this case.

May I also say how much we appreciate what a desperately difficult time this must be for Mr Johal’s family and friends, as well as for the wider Sikh community in the UK, particularly in view of the specific concerns about mistreatment and torture, about which the hon. Gentleman gave us details?

Mr Dhesi: Does the Minister appreciate and acknowledge that the family of Jagtar Singh Johal have been resolute in persisting that Jagtar is innocent? On the serious allegations of torture and confession under duress, the very least the family deserves is for the Foreign Secretary to meet them, along with the hon. Member for West Dunbartonshire (Martin Docherty-Hughes), to try to get to the bottom of this issue.

Mark Field: I thank the hon. Gentleman for his comments. As he knows, although perhaps the House does not, we have tried to work together on issues to ensure that the important contribution the Sikh community has made is recognised. Work is ongoing to try to get a
[Mark Field]

proper memorial of the work done by that community during the wars. Obviously, I do not have control of the Foreign Secretary's diary, but he will be well aware that this debate is taking place. It has not been a standard half-hour, two-Member Adjournment debate; the fact that so many Members have contributed is powerful. I will make representations to him that he should do as the hon. Gentleman wishes.

Mr Jim Cunningham: I reinforce what my hon. Friend the Member for Slough (Mr Dhesi) said. I accept that the Minister cannot commit the Foreign Secretary to meeting the family, but he can certainly convey the message. With all due respect to the hon. Member for Walsall North (Eddie Hughes), who secured a meeting with and spoke to the Foreign Secretary, it does not look good if the Foreign Secretary does not meet the hon. Member for West Dunbartonshire (Martin Docherty-Hughes) about this case. It is important that we try to convey that to the Foreign Secretary.

Mark Field: As the hon. Gentleman will know, I always try to work on a cross-party basis, particularly on these very difficult matters. For those who are interested in the BBC programme on the Foreign Office, I believe that Thursday's programme will talk about a particular consular case from Cambodia—my part of the world—on which half a dozen MPs on a cross-party basis expressed particular concerns.

Let me try to respond to many of the points that have been raised. I undertake to write to those whose questions I may not be in a position to answer fully.

Hannah Bardell: Before the right hon. Gentleman comes to those points, I say gently to him that when I set up the all-party parliamentary group on deaths abroad and consular services, I could not have imagined the impact that it would have on me and my staff, who have heard evidence from over 50 families. I cannot imagine what it is like for the family of someone who has died abroad, been incarcerated, held prisoner or gone missing. I say to the right hon. Gentleman, on a personal basis, that the testimonies of those families have highlighted to me that there are significant challenges and failings, and I believe that there are areas on which we can work together across the House, because almost every Member has had such a constituency case. I hope that he will give a commitment today to work with me and the all-party group to fix some of those issues and look for solutions to make sure that no family has to go through what Jagtar's family—or any of the other families that we have heard evidence from—have had to go through.

Mark Field: I thank the hon. Lady for that intervention. While I inevitably cannot make a guarantee that no other families will go through some of these difficulties, I am clearly only too happy to work with her. Unfortunately, it is the nature of being a Foreign Office Minister that in the past 18 months, I have met several families—not constituents of mine, but of other hon. Members—who have been through the harrowing experiences to which she referred.

Martin Docherty-Hughes: I am grateful to the Minister for the beginning of his response. I just want to reiterate all Members' understanding of the commitment and diligence of many of the members of staff in the FCO, who are the Department's greatest asset. That needs to be put on the record yet again.

Mark Field: I am very pleased to hear that, not least on behalf of my private office and all who work in my team; I am very honoured and lucky to be a Minister in that Department. While I accept that, on occasion, mistakes can be made and there can be oversights—that is human nature—we generally have an extremely professional and dedicated team throughout the Foreign and Commonwealth Office, but particularly in the consular area, where some extremely harrowing work goes on; that team deals with that daily. MPs all deal with constituents' cases that are heart-rending to the first degree, but those cases are probably the exception, rather than the rule. In consular cases—I think particularly of our consular help in some of the Balearic islands, or in places such as 'Thailand—staff deal with the tragic deaths of young people virtually daily, and these things are very difficult.

I start by putting a formal apology on the record—this is something that I have done in writing—to Mr Gurmpeet Johal for my Department's failure to respond to his freedom of information request in a timely manner. We aim for the highest standards of customer service, and I am deeply apologetic about not having met those on this occasion.

As I said to colleagues in the House when this issue was last debated in March, Mr Johal's case is very well known to me, and has been a priority for the Government at the highest levels since his arrest just over a year ago. The then Foreign Secretary raised concerns with his Indian counterpart soon after Mr Johal's arrest, pressing for effective consular access. As the hon. Member for West Dunbartonshire pointed out, the Prime Minister raised concerns about Mr Johal's case directly with Prime Minister Modi of the Republic of India when he visited the United Kingdom in April.

Mr Johal's situation has also been a priority for me. I personally raised his case with the Minister for foreign affairs during my visit to India earlier this year. I also raised it last month with India's outgoing high commissioner to the UK, Mr Sinha, and just this morning, I was able to reiterate those concerns to the new Indian high commissioner. I can reassure the House that she is apprised not just of the FCO's interest, but—very importantly—of the interest of many parliamentarians in seeing a thorough and effective investigation of Jagtar's allegations.

I would like to say something about the role of all-party parliamentary groups. In my view, they are invaluable. As many right hon. and hon. Members will know, I try to engage with their members in meetings as far as I can—I was at a joint meeting of the all-party groups on Bangladesh and Burma only yesterday. They are valuable because what happens in the House, whether in parliamentary questions or through all-party groups, are valuable because what happens in the House, whether in parliamentary questions or through all-party groups. They are noticed and quickly reported back by high commissions and embassies, so I encourage hon. Members to work through APPGs—they are an effective way of making a strong case, even if they do put pressure on us as Ministers.

I want to touch on one of the disappointing things about this case. When I came into office 18 months ago, I inherited the notorious Chennai Six case, which had been dragging on for almost five years by that stage, and we were able to get the individuals released within a
matters of months. These things often take time. The Indian legal process can be slow, as indeed can ours—I am not making a value judgment—and, as I hope the House will understand, I have always tried when dealing with consular cases to downplay expectations, to under-promise and over-deliver, and to make it clear that sometimes one has to wait a long time for a response. I know it can be incredibly frustrating, particularly when there are allegations, as there are here, of maltreatment and torture, in which case it becomes an even more serious state of affairs.

As the hon. Member for West Dunbartonshire will be aware, we have met with Mr Johal’s brother, Gurpreet, three times in the past year to discuss the very slow progress of this case, and I have offered the family a further meeting. I will try to make representations so that they can meet the Foreign Secretary, although I suspect that I would also be at any such meeting. Embassy officials, including our high commissioner in New Delhi, have raised concerns with the most senior officials of the Indian authorities on a number of occasions, and our consular staff have been working hard to assist Mr Johal and his family, both in India and here in the UK. I understand that staff in India have visited him 13 times since his arrest, most recently on 5 November. These visits allow us to monitor Mr Johal’s welfare and check that he continues to be able to meet his legal representatives in private, which was obviously not the case in the early months of his incarceration.

One of our key concerns in our representations has been Mr Johal’s allegations of torture and mistreatment during his initial period in police custody and his right to be afforded a fair trial. In all fairness, I would probably not have used the phrase “extreme action”—“extreme” is not something that many people would associate with me and my brand of politics—but none the less, such allegations are taken extremely seriously. The hon. Member for Wolverhampton North East (Emma Reynolds), who is no longer in her place, asked about raising the case with the UN and about the UN’s special procedures. We will continue to co-operate closely with all the mechanisms of the UN Human Rights Council, and we encourage all other countries, including India, to co-operate with the Office of the United Nations High Commissioner for Human Rights. We will ensure that this case is brought to his attention.

On 14 December 2017, Mr Johal asked us to raise these allegations of torture and maltreatment. Once we had the details, we did so without delay, making clear our expectation that India should conduct an impartial investigation and an independent medical examination. We will continue to co-operate closely with all the mechanisms of the UN Human Rights Council, and we encourage all other countries, including India, to co-operate with the Office of the United Nations High Commissioner for Human Rights. We will ensure that this case is brought to his attention.

On 14 December 2017, Mr Johal asked us to raise these allegations of torture and maltreatment. Once we had the details, we did so without delay, making clear our expectation that India should conduct an impartial investigation and an independent medical examination. We will continue to raise the allegations vigorously.

Martin Docherty-Hughes: Is the Minister saying that the authorities of the Republic of India have yet to respond to those questions, are refuting the allegations or are saying that these things happened?

Mark Field: At this stage, they are refuting that these things happened, but again, I will write to the hon. Gentleman with the full details, if I may, because I would rather not inadvertently say something inaccurate on the Floor of the House.

Torture and mistreatment of detainees is prohibited under international law, and is absolutely unacceptable in any circumstances. We therefore take allegations of such conduct very seriously, but we must also take care to avoid doing anything that might put the person making an allegation, or those connected with him, at any further risk. Our priority is always to ensure the best interests of the detainee.

I think many Members will understand that in cases such as this, a great deal of work often goes on underneath the radar rather than with a hell of a lot of publicity. I agree with the hon. Gentleman that any sense that there have been leaks and briefings to the press—again, I am not suggesting that that has happened, but clearly the press have run some stories in India—risks undermining any chance of a fair trial. That is not an acceptable state of affairs, and it would be no more acceptable here in the United Kingdom. Our priority will always be to ensure the best interests of the detainee. Decisions on the precise action that we might take in response to allegations of mistreatment will be made on a case-by-case basis, and only with the individual’s consent.

When British nationals are detained overseas, their health and welfare are our top priority. We make every effort to ensure that prisoners are receiving adequate food, water and medical treatment, and that they have access to legal advice at the earliest opportunity. In cases of dual nationality—the hon. Member for Glasgow Central (Alison Thewliss) raised a particular case—we do not have that locus, a position that I think Members will understand, if not entirely support. If a person with dual nationality is incarcerated in the other country of which he or she is a citizen, it is not our place to have consular standing.

As soon as we hear about a detention or arrest, our consular staff will attempt to make contact and visit the individual as early as possible. Subsequent visits will of course depend on the nature and context of the case, and, in some cases, on the practicalities—someone who is imprisoned many hundreds of miles from the nearest consular headquarters or high commission may be more difficult to visit on a regular basis—but we are aware that for many detainees our visits are a lifeline, and that our staff may well be the only visitors that some receive.

I can assure Members that we aim to afford every case equal importance, and to provide tailored support and guidance for individuals and their families. There are more than 2,000 British nationals in detention around the world at any one time, and in the last financial year alone, our staff overseas dealt with approximately 5,000 detainees. It is difficult to operate a standard procedure when dealing with those numbers, and in some cases, with the best will in the world, we will be seen to have fallen short. I will try to ensure that we have flexible standards that we can apply across the board, while taking account of the differing circumstances. I am happy to work with the all-party parliamentary group on deaths abroad and consular services to try to find a protocol that works for the future.

Providing consular assistance for any British national in distress overseas is central to our work at the Foreign and Commonwealth Office. Although the Government do not have a legal duty of care to British nationals abroad, we are proud that we continue to provide a comprehensive, round-the-clock service for anyone who finds themselves in difficulty. We work particularly hard to support those who may be vulnerable and are most in need of our help. We also have a long-standing partnership.
with a charity called Prisoners Abroad, which gives practical and emotional support to British people who are detained overseas.

There are, of course, limitations to the extent of the service that we can offer. We are not in a position to make decisions on behalf of people, nor are we able to do everything that might be asked of us at any one time. As a matter of policy we do not pay outstanding bills, including legal fees, as we are not funded to provide financial assistance; nor does the FCO seek preferential treatment for British nationals. That means we do not, and must not, interfere in civil and criminal court proceedings, and the hon. Member for West Dunbartonshire was very understanding on that in his contribution. It is right that we respect the legal systems of other countries, just as we would expect foreign nationals to respect our laws and legal processes when here in the UK. However, we can intervene on behalf of British nationals when they are not treated in line with internationally accepted standards or if there are unreasonable delays in procedures.

A number of colleagues have raised the case of Matthew Hedges, and everyone is delighted that the UAE has chosen to pardon him in such short order. The assistance we provide to British nationals depends entirely on the individual circumstances of the case and the local conditions, so it is unfair to draw, or make any implications about, comparisons in particular cases. Our actions are designed to be appropriate to the individual and as effective as possible. There is no suggestion of preferential treatment because of any cultural or other difficulties. The Chennai Six were all long-standing British, English and Scottish citizens; no racial element could possibly have been suggested for their lengthy incarceration.

In many ways the Matthew Hedges case is a good example of something all of us in the Foreign Office and in consular circles can rejoice in: a case that gets turned around unexpectedly very quickly. But for every win, as it were, of that description, there are many other cases where we are working extremely hard for many months, perhaps under the radar, without quick and positive results of that sort.

A number of colleagues have spoken movingly about the impact that a death overseas can have on loved ones, particularly when that death takes place in violent or distressing circumstances. Our staff across the world will continue to work with dedication and empathy to support British nationals when they require our assistance. We welcome feedback from British nationals who have received consular assistance, and indeed from their relatives who have also had that assistance, and we will try to improve our services and staff. I make a pledge to work closely with the all-party group, and I hope Members present will play their part in that.

We are talking about some of the most distressing and difficult cases, and it is distressing to me that there are British citizens who feel that the FCO has fallen short in its consular service on some occasions. We will continue to take that very seriously, and if we can work together as a Parliament on a cross-party basis to find a way to make improvements, I stand ready to work with colleagues.

The detention of a loved one is distressing in any circumstances—it would be distressing to any of us if one of our relatives were in that position—and particularly when it happens overseas, where contact with friends and family is limited and the legal process is unfamiliar. Our consular staff at home and abroad work hard to support families in such situations. We often have locally employed members of staff who can speak local languages and have a greater understanding of the culture and the different legal processes, and they play an important part in our consular teams across the world. We take every case extremely seriously and provide dedicated consular assistance to those most in need of our help literally seven days a week, 24 hours a day.

In the case of Mr Johal, I can assure the hon. Member for West Dunbartonshire that we will continue to do all we can to support him and his family. The fact that we have had this debate here today will make it clear to the Indian authorities and the new Indian high commissioner here in London that we will continue to raise our concerns about his case at the highest levels until there is a resolution.

Question put and agreed to.

5.13 pm
House adjourned.
Leaving the EU: Legislative Consent Motions

1. Paul Masterton (East Renfrewshire) (Con): What recent discussions he has had with the Scottish Government on the granting of legislative consent motions for legislation on the UK leaving the EU.

2. Douglas Chapman (Dunfermline and West Fife) (SNP): What recent discussions he has had with the Prime Minister on the effect on Scotland of the UK leaving the EU.

3. Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): What recent discussions he has had with the Prime Minister on the effect on Scotland of the UK leaving the EU.

4. David Duguid (Banff and Buchan) (Con): What recent discussions he has had with the Scottish Government on the granting of legislative consent motions for legislation on the UK leaving the EU.

5. Patrick Grady (Glasgow North) (SNP): It is beginning to sound like this Government are only committed to the Sewel convention when it suits them. Is it not the case that the blatant disregard for the decisions and opinions of the Scottish Parliament throughout the Brexit process shows that this Government and Secretary of State are committed to undermining the devolution settlement, and that that is only going to be exacerbated when the Scottish Parliament votes against the Brexit withdrawal agreement?

6. Peter Grant (Glenrothes) (SNP): Two of the Secretary of State’s own loyal Back Benchers have specifically asked him what discussions he has had with the Scottish Government, and he has refused to answer. Are we to take it from that that he has had no such discussions and that he has no intention of having further discussions with the elected Government of Scotland?

7. Deidre Brock (Edinburgh North and Leith) (SNP): What recent discussions he has had with the Prime Minister on the effect on Scotland of the UK leaving the EU.

8. Martin Docherty-Hughes (West Dunbartonshire) (SNP): What recent discussions he has had with the Prime Minister on the effect on Scotland of the UK leaving the EU.

SCOTLAND

The Secretary of State was asked—
Leaving the EU: Legislative Consent Motions

The Secretary of State for Scotland (David Mundell):
As this is the last Scottish questions ahead of the 30th anniversary of the bombing of PanAm flight 103 over Lockerbie in 1988, I think it would be appropriate to place on record what I am sure all Members of the House will feel at the time; their thoughts and prayers will be with the families and friends of the 270 people who perished and every other person whose life has been affected by the events of that night.

The UK Government are fully committed to the Sewel convention and the related practices and procedures for seeking legislative consent.

Paul Masterton: I associate myself with the Secretary of State’s comments. The Healthcare (International Arrangements) Bill is vital for my constituents in ensuring continuity of healthcare in the European Union and for the 200,000 expats living in the EU. Will he do everything he can to urge the Scottish Government not to continue to play political games and to grant an LCM to this vital piece of legislation?

David Mundell: It was extremely disappointing that the Scottish Government announced that they would not grant LCMs in relation to a number of Bills without even seeing the details of those Bills. The Healthcare (International Arrangements) Bill is an important one for Scots living abroad, and it would be totally unacceptable to put their treatment at risk, so I hope that the comments that Mr Mike Russell made the other day are perhaps an indication that they will not proceed with this politicking approach.

David Duguid (Banff and Buchan) (Con): The Fisheries Bill is one of the Bills that my right hon. Friend referred to; it lays the groundwork for the revival of fishing in Banff and Buchan and all along Scotland’s coastline, and what is more, it confers new powers on the Scottish Government. I know that the Scottish National party’s policy is to take us back into the common fisheries policy, but does he agree that they should show at least some respect for coastal Scotland by working constructively and supporting an LCM for the Fisheries Bill in Holyrood?

David Mundell: Recent events demonstrate that there are no limits to what legislation or whose interests the SNP will play politics with. As my hon. Friend said, both the Agriculture Bill and the Fisheries Bill are important pieces of legislation for Scotland and ones with which the Scottish Government should be fully engaged.

Patrick Grady (Glasgow North) (SNP): It is beginning to sound like this Government are only committed to the Sewel convention when it suits them. Is it not the case that the blatant disregard for the decisions and opinions of the Scottish Parliament throughout the Brexit process shows that this Government and Secretary of State are committed to undermining the devolution settlement, and that that is only going to be exacerbated when the Scottish Parliament votes against the Brexit withdrawal agreement?

David Mundell: What the hon. Gentleman and his hon. Friends do not like about the Sewel convention is that it is a convention of this United Kingdom Parliament. It is part of Scotland being part of the United Kingdom and that is something that they continue to oppose.

Peter Grant (Glenrothes) (SNP): Two of the Secretary of State’s own loyal Back Benchers have specifically asked him what discussions he has had with the Scottish Government, and he has refused to answer. Are we to take it from that that he has had no such discussions and that he has no intention of having further discussions with the elected Government of Scotland?

David Mundell: I am afraid that that is not the correct interpretation. As the hon. Gentleman and his hon. Friends know, since they ask about it repeatedly, I engage fully in the Joint Ministerial Committee (EU Negotiations), and there are extensive discussions about these issues and framework agreements in that forum and in many others.

Leaving the EU

2. Douglas Chapman (Dunfermline and West Fife) (SNP): What recent discussions he has had with the Prime Minister on the effect on Scotland of the UK leaving the EU.

3. Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): What recent discussions he has had with the Prime Minister on the effect on Scotland of the UK leaving the EU.

8. Deidre Brock (Edinburgh North and Leith) (SNP): What recent discussions he has had with the Prime Minister on the effect on Scotland of the UK leaving the EU.

11. Martin Docherty-Hughes (West Dunbartonshire) (SNP): What recent discussions he has had with the Prime Minister on the effect on Scotland of the UK leaving the EU.
13. Stewart Malcolm McDonald (Glasgow South) (SNP): What recent discussions he has had with the Prime Minister on the effect on Scotland of the UK leaving the EU.

David Mundell: I am afraid that that question is too convoluted for these purposes. It is a matter for Committees of this House who they take evidence from.

Stewart Malcolm McDonald: Yesterday, the Scottish Government produced analysis of the Prime Minister’s deal suggesting that the withdrawal agreement we are being asked to vote on would make all of us poorer, but the intermin Scottish Conservative leader immediately dismissed it as an excuse for another referendum, even though the Chancellor said today it would make us poorer. Who of the two is right?

David Mundell: I am sure the hon. Gentleman did not wish to mislead the House, but if the analysis produced by the Scottish Government is not an analysis of the deal the Prime Minister has negotiated; it is a rehashed version of a document produced in January that looked only at generic issues. The analysis that this Government will be producing will be focused on the deal that has actually been negotiated.

Stephen Kerr (Stirling) (Con): Leaving the most successful union in history after 311 years would bring economic chaos to Scotland. Does my right hon. Friend agree that the effect of Scotland leaving the UK would be much worse than the effect of Brexit under any scenario?

David Mundell: I absolutely agree with my hon. Friend. As we have discussed many times in the Chamber, Scotland trades four times as much with the rest of the UK as it does with the EU. I am sure that people in Scotland are starting to ask why the SNP is so keen on delivering a no-deal Brexit. It is because the SNP sees it as the ideal backdrop for an independence referendum debate.

Kirstene Hair (Angus) (Con): Nicola Sturgeon wants to drag Scotland into constitutional chaos by having a further two referendums, against the will of the Scottish people. Will my right hon. Friend join me in condemning the First Minister’s stance?

David Mundell: I absolutely condemn Nicola Sturgeon’s desire to create division, chaos and uncertainty. All along she could have joined the Prime Minister and worked with the UK Government to get a deal for Scotland and the UK, but she chose to put her own interests and an independence referendum first.

Colin Clark (Gordon) (Con): Will the Secretary of State join me in welcoming the BP Clair Ridge project, which started up in November and will produce an estimated 640 billion barrels of oil? Does he agree that this is clear evidence of confidence in the Scottish economy as we leave the EU?

David Mundell: In his time in the House, my hon. Friend has established himself as a champion of the oil and gas industry. That news is indeed very welcome, and it demonstrates BP’s continuing confidence in our UK Government’s approach to the sector.
Andrew Bowie (West Aberdeenshire and Kincardine) (Con): Does my right hon. Friend agree that, from the off, our Prime Minister’s No. 1 priorities have been the protection of our economy, the national interest, and the protection of our UK internal market—in complete contrast to the Scottish National party, which only sows division, and would go out of its way to destroy that internal market, which is of prime importance to Scottish business?

David Mundell: I absolutely agree with my hon. Friend. The distinction between the leaders of the various parties is very clear: the leader of the Opposition is focused on a general election, the leader of the Scottish National party is focused on an independence referendum, and Theresa May is focused on the national interest of this country.

Pete Wishart (Perth and North Perthshire) (SNP): I do not know whether the Secretary of State realises how ridiculous he has looked with his resignation-non-resignation business. He is like a demented Grand Old Duke of York. He has led his merry band of Scotch Tories halfway up resignation hill, and has forgotten whether he is going up or down. Scotland voted overwhelmingly against Brexit, and increasing numbers of Scots do not want anything to do with it. If the Secretary of State cannot represent the people of Scotland, will he just resign and get out of the way, for goodness’ sake?

David Mundell: Well, I suppose there is no greater expert in the House on being ridiculous than the hon. Gentleman, swinging one way and another on every issue of the day. I am quite clear. The United Kingdom voted to leave the European Union, and this Government will deliver that.

Several hon. Members rose—

Mr Speaker: Order. We have four Front-Bench supplementary questions and we are pressed for time, so they need to be brief.

Tommy Sheppard (Edinburgh East) (SNP): Mr Speaker, “We could not support any deal that...leads to Northern Ireland having a different relationship with the EU than the rest of the UK.”

Those are the words of the Secretary of State for Scotland. I put it to him that the backstop provides exactly that in the withdrawal agreement. Given that, how can he justify remaining in the Cabinet?

David Mundell: The hon. Gentleman has quoted selectively from what I said. I acknowledged that there were already significant differences between Northern Ireland and the rest of the United Kingdom, not least because of the Belfast agreement, and in relation to, for example, the single electricity market. However, I am clear about the fact that the greatest threat to the integrity of the United Kingdom is posed by the hon. Gentleman and his colleagues. That is why they want a no-deal Brexit.

Tommy Sheppard: Given the gravity of the situation, I think we should expect Ministers of the Crown to answer questions put to them. The Secretary of State has publicly refuted the differentiation on which the withdrawal agreement is based; he has threatened to resign on numerous occasions; and now he has nailed his colours to the Prime Minister’s mast, and invested what political capital he has left in this deal. I ask him this: if the withdrawal agreement is rejected by this Parliament, as it surely will be, will he at that point resign his position?

David Mundell: My position is quite clear. The integrity of the United Kingdom must be preserved. The SNP and Nicola Sturgeon see Brexit as an opportunity to break up the United Kingdom, so above all else I put that first.

Lesley Laird (Kirkcaldy and Cowdenbeath) (Lab): May I begin by supporting the Secretary of State’s comments in relation to Lockerbie?

The Secretary of State drew red lines for his support for the Brexit deal on the integrity of the UK and on fishing. Unless those things were protected, he would resign. The Prime Minister has come back with a deal that creates a border in the Irish sea and sells out Scottish fishermen. May I ask what the right hon. Gentleman is still doing at the Dispatch Box?

David Mundell: What I am doing is standing up for the integrity of the United Kingdom. When I see Jeremy Corbyn and Nicola Sturgeon caballing about what they are going to do next, and no doubt agreeing that the keys of No. 10 Downing Street will be handed over to Labour for another independence referendum, I know I am doing the right thing.

Mr Speaker: Order. One respect in which the right hon. Gentleman is not doing the right thing is his referring to Members of the House by name. He knows better than that, and I hope he will improve his performance.

Lesley Laird: The right hon. Gentleman knows my views, but judging by the looks on the faces of those sitting beside him, I do not think he has quite got the mood of the room. The reality is that the Secretary of State’s so-called red lines were written in invisible ink; they disappeared when the Prime Minister came back from Brussels. Labour will vote against the Prime Minister’s deal; it is a bad deal for Scotland and it is a bad deal for working people. The Commons could unite behind Labour’s alternative: a comprehensive and permanent customs union with a British say in future trade deals, and a strong single market relationship to support British business. It is clear that this deal cannot command the support of the Commons. If the Secretary of State now thinks this deal is the best deal for the country, why does he not put that theory to the test and call for a general election and let the people decide?

David Mundell: The hon. Lady has just proved the point from my first answer, and now that she has taken an interest in the fishing industry, which I was not previously aware of, I hope she will sign the Scottish Fishermen’s Federation pledge on what should now happen in relation to the fishing industry. I did not know what Scottish Labour’s position was on this issue, and I do not expect many other people do, but it should not surprise us that ultimately it is being Nicola’s little helpers to vote for a no-deal Brexit.
Growth Deals

5. Chris Davies (Brecon and Radnorshire) (Con): What assessment he has made of the potential effect on the Scottish economy of future growth deals in Scotland.

The Parliamentary Under-Secretary of State for Wales (Nigel Adams): Through city and growth deals the UK Government have already committed over £1 billion of investment to Scotland and are working on further growth deals for Borderlands, Ayrshire and Moray. The UK Government are committed to delivering a city and growth deal for every part of Scotland. City and growth deals show the benefits that are delivered to the economy when Scotland’s two Governments work together.

Chris Davies: I thank the Minister for his answer and welcome him to his place. The UK Government have now invested over £1.1 billion in city deals across Scotland; does my hon. Friend agree that this is the Conservatives delivering for Scotland?

Nigel Adams: I thank my hon. Friend for his warm words of welcome and completely agree: the over-£1 billion of investment in Scotland’s cities shows that this Government have a clear role in delivering economic growth in Scotland. Just last week my right hon. Friend the Secretary of State was in Perth announcing £150 million of investment as part of the Tay cities deal. My hon. Friends the Members for Angus (Kirstene Hair) and for Ochil and South Perthshire (Luke Graham) were instrumental in securing investment not only for their constituencies, but for the whole region as part of the deal.

Mr Speaker: I am sorry to be unkind, but the Minister is taking too long; we have a lot to get through.

Chris Law (Dundee West) (SNP): Given the recent news from Michelin that it will lose up to 850 jobs from Dundee, it is now more important than ever that all commitments on the Tay cities deal are met. The Scottish Government are committed to £200 million. Can the UK Government today give a guarantee that they will fully match that £200 million investment?

Nigel Adams: The hon. Gentleman rightly raises this issue, and I know how important it is to his constituency, but, as I said previously, £150 million is being committed to the region in a growth deal and we are working with the Scottish Government in the Michelin action group, which met on 12 November. With support from the Department for Business, Energy and Industrial Strategy we have presented a number of potential areas for further exploration for repurposing the site either with Michelin or a third party, and I understand that the next action group meeting will be on 30 November.

Danielle Rowley (Midlothian) (Lab): Some £120 million was announced as part of the Edinburgh city deal to upgrade Sherifhill roundabout, but the A720 city bypass that stems off the roundabout is chock-a-block, start to end every day, which will affect my constituents and those of the Secretary of State. This seems to have slipped down the Scottish Government agenda. Those constituents would like to know what conversations the Secretary of State has had with Scottish Government Ministers.

Nigel Adams: I thank the hon. Lady for her question. The deal for Edinburgh was signed on 7 August. There is a £300 million investment from this Government, and I know how important this is for her constituency. I will ask my right hon. Friend the Secretary of State to follow up on her question so that she has more details.

Leaving the EU: Fishing Industry

6. John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): What recent discussions he has had with the Scottish Fishermen’s Federation about preparations for life after the UK leaves the EU.

The Secretary of State for Scotland (David Mundell): Fishing is of totemic importance in Scotland, and I regularly meet representatives of the fishing industry in Scotland to discuss the opportunities for the sector when we leave the EU.

John Lamont: As we have already heard, the Scottish Fishermen’s Federation has launched a campaign calling on all parties to back its pledge for the UK to take back control of our waters after we leave the European Union. I am pleased that the Secretary of State has signed that pledge. I have signed it and Scottish Conservatives are signing it. Does my right hon. Friend agree that all parties in this House should sign that pledge?

David Mundell: I absolutely do agree. When people stand up and say that they are speaking up for the fishing industry, they need to back that up. This pledge does exactly that, and I look forward to all 59 of Scotland’s MPs signing it. [Interruption.]

Mr Speaker: Order. There is quite a lot of noise in the Chamber, but I want to be able to hear the ordinarily distinctive burr of the right hon. Member for Orkney and Shetland (Mr Carmichael).

Mr Alistair Carmichael (Orkney and Shetland) (LD): Why did the Government ever think it would be a good idea to include fisheries in the transitional arrangements?

David Mundell: The right hon. Gentleman knows, the transitional arrangements will involve a period in which things will remain as they are, in order to provide certainty, but there is a clear mechanism for fishing to leave those transitional arrangements and to be part of the Fisheries Council in December 2020, to plan ahead for 2021.

Andrew Percy (Brigg and Goole) (Con): I recently visited Atlantic Canada on a trade visit, where I met Canadian fisheries and ocean tech companies that are invested in Scotland. They are enthusiastic to work more closely with the UK once we have left the common fisheries policy to ensure that we have better balanced and managed fisheries. Can my right hon. Friend give me a commitment that we will do just that?
David Mundell: I am certainly able to give my hon. Friend a commitment in both regards. We are looking to work with important partners such as Canada, and to leave the common fisheries policy.

Sammy Wilson (East Antrim) (DUP): The Minister claims that the Scottish fishermen should rest easy because he has signed the Scottish Fishermen’s Federation’s pledge. A month ago, he signed a letter to the Prime Minister saying that he would resign if Northern Ireland was treated differently from Scotland because of the threat to Scotland. If he has not lived up to his resignation promise, how can the Scottish fishermen ever believe that he will live up to the promise he has made in the fishermen’s pledge?

David Mundell: I respect the right hon. Gentleman’s point of view, but I believe that the biggest threat to the integrity of the United Kingdom comes from those on the SNP Benches and from people who are seeking to bring about a no-deal Brexit. A no-deal Brexit is the most certain way to see Scotland leave the United Kingdom, and I am not going to support anything that brings that about.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The Secretary of State claims that this deal is a good deal, but on fishing, that claim was blown out of the water by President Macron of France before the ink was dry on the political declaration. The reality is that the Secretary of State cannot guarantee that the UK will not be pushed into the backstop indefinitely if access to waters and quota shares are not agreed with the European Union. That is an undeniable breach of his red line. He promised to resign over that very issue, yet he is still here, desperately claiming the false choice between no deal and a bad deal. When did he realise that he cared more about his ministerial Merc than about a good deal for Scotland’s fishermen?

David Mundell: Again, I welcome the hon. Gentleman’s taking an interest in fishing for the first time. If he listened to the fishermen, he would know that Bertie Armstrong, the chief executive of the Scottish Fishermen’s Federation had said that no red lines had been crossed. What I find even more concerning in all these debates on fishing is that Scottish Labour is lining up with the Secretary of State cannot guarantee that the UK will not be pushed into the backstop indefinitely if access to waters and quota shares are not agreed with the European Union. That is an undeniable breach of his red line. He promised to resign over that very issue, yet he is still here, desperately claiming the false choice between no deal and a bad deal. When did he realise that he cared more about his ministerial Merc than about a good deal for Scotland’s fishermen?

Nigel Adams: I know that this issue is very close to my hon. Friend’s heart, and the Department for Transport is working extremely closely with Transport Scotland and Network Rail to look at future options around HS2 that might have a good business case, working towards the UK and Scottish Governments’ shared ultimate ambition of a three-hour journey time between London and Scotland.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It is all very well talking about connectivity between Scotland and the rest of the UK, but in remote parts of my constituency, connectivity is rubbish: you would be better off with two tin cans and a length of string. Should we not sort out Scotland first?

Nigel Adams: I thank the hon. Gentleman for his question. With his two cans reference, I think he was referring to the digital connectivity issues. I would politely remind him that £1.7 billion of public money is being invested to support vital improvements in broadband coverage, and this Government have invested £121.8 million in Scotland’s superfast broadband infrastructure. Per head, that is over twice the funding that England has received.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [907883] Rosie Cooper (West Lancashire) (Lab): If she will list her official engagements for Wednesday 28 November.

The Prime Minister (Mrs Theresa May): I am sure that the whole House will join me in paying tribute to Baroness Trumpington, who sadly passed away yesterday. From her time at Bletchley Park as a codebreaker during the second world war, through to her time in government and public service, she led an extraordinary life. She will be sorely missed.

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.

Rosie Cooper: I am sure the whole House would want to be associated with the Prime Minister’s remarks.

The misery inflicted on my constituents by Northern rail continues unabated: long waits for already full trains; trains that do not arrive on time; whole-day cancellations; and even the cancellation of last trains, leaving people stranded. There can be no more excuses. This latest Northern rail fiasco began in May, with timetabling and communications issues. Is it not time to get the communications right, and timetable the end of the Northern franchise?

The Prime Minister: First of all, we are clear as a Government that the performance in the north and the disruption that was caused to rail passengers following
the timetable changes that took place on 20 May were unacceptable. It is clear that we saw a combination of delayed Network Rail infrastructure works and reduced time to plan a modified timetable, which meant that the new timetable was finalised too late. We know that passengers are currently not getting the service they deserve, although there are more Northern rail services now than there were earlier this year; but much more needs to be done. We are working alongside Transport for the North, Northern, TransPennine Express and Network Rail on improving services and punctuality. We have asked Richard George to review the performance of the region’s rail network and to make recommendations to improve reliability, and where operators are found to be at fault, we will take action.

Q4. [907886] Douglas Ross (Moray) (Con): No one can question the Prime Minister’s work ethic and determination to reach a deal with the European Union—a deal that many people thought unachievable—but despite her best endeavours, many people still have considerable concerns that this has left us with an uncomfortable choice, and I share those concerns. As the Prime Minister heads to Scotland, what guarantees can she give to those who have concerns about the future of the fishing industry under this deal, and also our precious Union?

The Prime Minister: My hon. Friend is absolutely right to raise the issue of the fishing industry and our precious Union. I am a committed Unionist, as he is, and as indeed are all my colleagues on the Conservative Benches. Our deal in relation to fisheries means that we will become an independent coastal state. That means that we will be able to negotiate access to our waters. We will be ensuring that our fishing communities get a fairer share of our waters. We will be determining that issue of access to our waters, and we firmly rejected a link of access to our waters and access to markets.

I have to say also that we are very clear, as I made clear in my statement on Monday, that we will not be trading off a fisheries agreement against anything else clear in my statement on Monday, that we will not be linking of access to our waters and access to markets. We have asked Richard George to review the performance of the region’s rail network and to make recommendations to improve reliability, and where operators are found to be at fault, we will take action.

Jeremy Corbyn (Islington North) (Lab): I echo the Prime Minister’s words about Baroness Trumppington. We thank her for her service to this country throughout her life. We will also remember her as a great codebreaker, as a very demonstrative Member of the House of Lords with her physical symbols, and also for her wit on “Have I Got News For You”.

I also want to pay tribute to my friend Harry Leslie Smith. Harry passed away early this morning in Canada. Harry also served in the war, and he was an irrepressible campaigner for the rights of refugees, for the welfare state and for our national health service. He was passionate about the principle of healthcare for all as a human right. We thank Harry for his life and his work.

On Sunday, the Foreign Secretary said of their Brexit deal that it “mitigates most of the negative impacts.”

Can the Prime Minister tell us which of the negative impacts it does not mitigate?

The Prime Minister: I am sure the whole House will also wish to pass on our condolences to the family and friends of Harry Leslie Smith.

What we see behind the analysis that we have published today, and indeed the Chancellor recognised it this morning, is that our deal is the best deal available for jobs and our economy that allows us to honour the referendum and realise the opportunities of Brexit. This analysis does not show that we will be poorer in the future than we are today. [HON. MEMBERS: “Yes, it does.”] No, it does not. It shows that we will be better off with this deal. What would make us poorer, and what would have an impact on our economy for the future, are the policies of the right hon. Gentleman—more borrowing, higher taxes and fewer jobs. The biggest risk to our economy is the right hon. Gentleman and his shadow Chancellor.

Jeremy Corbyn: On the same day that the Foreign Secretary made his statement, the Prime Minister said: “This is the best possible deal. It is the only possible deal.” Well, it is not hard to be the best deal if it is the only deal. By definition, it is also the worst deal.

The Government Economic Service forecasts published today are actually meaningless, because there is no actual deal to model, just a 26-page wishlist. The Chancellor, however, said that the Prime Minister’s deal will make people “worse off.” Does she agree? The Chancellor does not appear to be here to be consulted.

The Prime Minister: As I have just set out to the right hon. Gentleman, what the analysis shows is that the deal we have negotiated is the best deal for our jobs and our economy that delivers on the result of the referendum for the British people. I believe that we should be delivering on the result of the referendum.

The right hon. Gentleman talks about the political declaration—he calls it a wishlist. What he is describing is a political declaration that has been agreed between the United Kingdom and the European Union and that sets out “an ambitious, broad, deep and flexible partnership across trade and economic cooperation, law enforcement and criminal justice, foreign policy, security and defence and wider areas of cooperation.” What does Labour have to offer? Six bullet points. My weekend shopping list is longer than that.

Jeremy Corbyn: After eight years of making our economy weaker through austerity, their botched Brexit threatens more of the same. Professor Alston said in his damning UN report into UK poverty: “In my meetings with the government, it was clear to me that the impact of Brexit on people in poverty is an afterthought”.

In her Chequers plan, the Prime Minister promised frictionless trade with Europe after Brexit. Her future partnership guarantees no such thing. Does the Prime Minister understand why MPs are queuing up not to back her plan?

The Prime Minister: Let me tell the right hon. Gentleman who is back in my plan: farmers in Wales, fishermen in Scotland and employers in Northern Ireland. When MPs consider the vote, they will need to look at the importance of our delivering on Brexit and ensuring that we deliver Brexit, and doing it in a way that
provides. On that subject, he referenced what had happened to the economy over the past eight years: we have seen the number of young people not in education, employment or training at record lows; we see borrowing this year at its lowest level for 13 years; we see more people in work than ever before, and the fastest regular wage growth for nearly a decade; and today we have seen the number of children living in workless households at a record low and the proportion of workless households at a record low. That is good, balanced management of the economy by the Conservatives.

Jeremy Corbyn: If it is good, balanced management of the economy, why did Professor Alston say there are 14 million people in our country living in poverty? The Prime Minister claims support for her deal, but last week more than 200 chief executives and entrepreneurs described her Brexit deal as the worst of all worlds— [Interruption.]

Mr Speaker: Mr David Morris, calm yourself. Take some sort of soothing medicament if that is what is required, but, above all, calm yourself.

Jeremy Corbyn: A private email that the CBI sent round says of the deal: “no need to give credit to negotiators I think, because it’s not a good deal.”

All the Prime Minister can commit to is that we will be working for frictionless trade. She has gone from guaranteeing frictionless trade to offering friction and less trade. After these botched negotiations, the country has no faith in the next stage of even more complex negotiations being concluded in just two years. So what does the Prime Minister think is preferable: extending the transition with further vast payments to the European Union or falling into the backstop with no exit?

The Prime Minister: As the right hon. Gentleman knows, there is an exit from the backstop—there is an alternative to the backstop, but we do not want the backstop to be invoked in the first place, and neither do the Government of the Republic of Ireland and neither does the European Union. He is referring again to this issue of the political declaration and the nature of the political declaration. He will know that the European Union cannot agree and sign legal texts on a trade arrangement with a country that is a member of the European Union and that we are, so to speak, extending the transition with further vast payments to the European Union or falling into the backstop with no exit?

Jeremy Corbyn: That would explain why the Business Secretary does not have much faith in this either—he is already discussing the transition period being extended to 2022, apparently. Parliament voted for the Government to publish their “legal advice in full”. The Government today say they will ignore the sovereign will of Parliament. In 2007, the Prime Minister wrote to the then Prime Minister saying that the legal advice for the Iraq war should have been published in full to Cabinet and MPs. So why does the Prime Minister not practise what she preached?

The Prime Minister: Of course, there is a legitimate desire in Parliament to understand the legal implications of the deal. We have said and been clear that we will make available to Members a full, reasoned position statement laying out the Government’s legal position on the withdrawal agreement, and the Attorney General is willing to assist Parliament by making an oral statement and answering questions from Members. But as regards publication of the full legal advice, the advice that any client receives from their lawyer is privileged; that is the publication of the full legal advice, the advice that any client receives from their lawyer is privileged; that is the same for Government as it is for any member of the public.

Jeremy Corbyn: The Chancellor said: “What we are not going to do is publish the raw legal advice from the Attorney General”. The Prime Minister herself wanted to see legal advice in the past, and MPs need to see the advice, warts and all, so that they can make their informed decision on this matter.

The Prime Minister insists that her Government will be able to negotiate every aspect of the UK’s future trade relationship with Europe within the space of two years. We have had two and a half years since the referendum; so far, 20 of her own Ministers have resigned. This is the most shambolic Government in living memory, and she is now asking Parliament to vote on the basis of a 26-page wishlist without even seeing the full legal advice. It is now clear that Parliament will not back this plan, so is it not time for her to accept that reality and make way for an alternative plan that could work for the whole country?

The Prime Minister: I will take no lectures from the right hon. Gentleman, who has seen 100 resignations from his Front Bench. Today, we saw what really lies behind Labour’s approach. Last night, the shadow Chancellor told an audience in London that he wanted to seize upon a second referendum and vote remain. So now we have it: they want to cause chaos, frustrate Brexit and overturn the will of the British people. That would be a betrayal of the many by the few.

Q5. [907887] John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): Small Business Saturday takes place this Saturday. It is a great campaign that encourages us all to support local shops and businesses across our land. In Scotland, there are more than 340,000 small and medium-sized businesses, supporting 1.2 million jobs. Will the Prime Minister join me in congratulating the Federation of Small Businesses and all the small businesses that take part in the event, but particularly Lindsay Grieve, the butcher in Hawick, Stems, the florist in Jedburgh, and Archie Hume, the gentlemen’s outfitters in Kelso?

The Prime Minister: I congratulate my hon. Friend on raising what I think we should all, across the House, accept is an excellent campaign. I look forward to perhaps being able to visit some of the excellent shops
that he just mentioned when I am in his neck of the woods. It is important that we help small businesses, which is why we are taking more than 655,000 small businesses out of paying any business rates at all. We want to change the system so that rates follow the lower level of inflation, which would mean a saving every year and would be worth more than £5 billion to businesses over the next five years, and we are providing £900 million to cut the bills of eligible small retailers by one third for two years. I congratulate Lindsay Grieve, Stems the florist and Archie Hume, and I look forward possibly to visiting them. I am sure that many Members of this House will be recognising the importance of small businesses on Small Business Saturday and championing the excellent contribution that they make to our economy.

Ian Blackford (Ross, Skye and Lochaber) (SNP): May I take the opportunity to wish everyone in the House a happy St Andrew’s day for when it comes on Friday?

Today, the Chancellor said that the Prime Minister’s Brexit deal will leave the economy “slightly smaller”, and that “in pure economic terms” there will be a loss. That has now been confirmed by the Government’s own analysis, which shows that real wages will fall. Does the Prime Minister agree that her deal will leave people poorer than the status quo?

The Prime Minister: No, it doesn’t. What the analysis shows is that this is a strong economy that will continue to grow and that the model that actually delivers best on delivering the vote of the British people, and for our jobs and our economy, is the model that the Government have put forward, the deal that the Government are proposing.

Ian Blackford: I wonder whether the Prime Minister has read her own analysis, because quite clearly, under any scenario of leaving the single market and the customs union, we will be poorer. The Prime Minister wants to take us back to the days of Thatcher and a belief that unemployment is a price worth paying. That is the reality. No Government should choose to weaken their economy and make their citizens poorer. That is what the Prime Minister is doing.

The Prime Minister: The analysis shows that the Prime Minister will travel to Scotland today. People in Scotland voted overwhelmingly to remain. We voted for our rights to be respected. The Prime Minister must explain to the people of Scotland why her deal will rob them of their rights as EU citizens.

Mr Speaker: Order. The right hon. Gentleman is entitled to be heard and he will be heard, as every other Member of this House will be heard. It is a simple point. Please digest it.

Ian Blackford: Thank you, Mr Speaker. The Prime Minister will travel to Scotland today. People in Scotland voted overwhelmingly to remain. We voted for our rights to be respected and we are not prepared to give up those rights. The Prime Minister must explain to the people of Scotland why her deal will rob them of their rights as EU citizens.

The Prime Minister: The right hon. Gentleman started with comments about the Government’s approach to unemployment. What do we see under this Government? Some 3.3 million jobs have been created since the Conservatives came into power and the OBR is forecasting a further 800,000 more jobs being created in our economy. The employment rate is at a near record high, employment is at a record high and the unemployment rate has almost halved since 2010. He talks about what the people of Scotland voted for. They voted to stay in the United Kingdom and they voted for 13 Conservative MPs.

Q8. [907890] Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): It is a fact with any divorce proceedings that if the parties cannot reach a fair and equitable agreement, they go to a judge to ask for a decision. In the case of the divorce between the UK and the EU, this Parliament must be the judge. Does the Prime Minister agree that once this Parliament has rejected the EU’s controlling and dominating proposal, which will not leave us free to decide our future, the UK will be better off spending the money we set aside to prepare for a clean, global Brexit?

The Prime Minister: May I say to my hon. Friend that what—

Mr Speaker: Order. The right hon. Gentleman is entitled to have it properly heard.

The Prime Minister: Thank you, Mr Speaker. Backing this Brexit deal means that we will control our borders, we will end free movement and for all, we will protect jobs with a deal that is good for our economy, we will no longer send vast sums of money every year to the European Union—we can spend it on our priorities—and we will be able to strike free trade deals around the world, as well as taking back control of our laws and having a good security partnership. But if we reject this deal, we go back to square one, with damaging uncertainty that would threaten jobs, threaten our investment and the economy, lead to more division and mean that there was less time to focus on the issues that our constituents wish us to focus on. I think the choice is bucking the deal in the national interest, so that we can build that brighter future, or going back to square one, if it is rejected.

Q2. [907884] Tracy Brabin (Batley and Spen) (Lab/Co-op): My constituent Matthew is one of those very brave people who have waived their anonymity around abuse they suffered at the hands of a member of the Church of England. The Prime Minister will be very aware of the harrowing evidence coming out of the independent inquiry into child sexual abuse, which could have been prevented if a law on mandatory reporting had been in place. International evidence shows that, when introduced, mandatory reporting doubles the number of children placed in safety. Will the Prime Minister commit to protect children and introduce mandatory reporting across all institutions, including the Church of England?

The Prime Minister: May I first say how sorry I am to hear of the case of the hon. Lady’s constituent, Matthew, and the abuse that he suffered? Sadly, what has come out of this independent inquiry is that too much abuse was allowed to carry on for too long, and that too many people suffered as a result. It is not just the case that they suffered at the time when the abuse was taking place; that suffering remains with them to this day, and we should all recognise that.
The hon. Lady raised the issue of mandatory reporting, which we looked at very carefully when I was Home Secretary. There is actually mixed evidence on the impact of mandatory reporting. In fact, there is some evidence that it can lead to the genuine cases not being given the resources they require. I want the hon. Lady to be in no doubt about the seriousness with which I and this Government take the issue. We are doing our best to repair—I will not claim that we can fully repair—by giving some sense of justice to the people who suffered.

Q10. [907892] Theresa Villiers (Chipping Barnet) (Con): Many of my constituents are worried about crime. The Chancellor acknowledged in his Budget speech that policing is under pressure because of the changing nature of crime. With decisions on the national police funding settlement imminent, may I urge the Prime Minister to ensure that we can get more police on the beat in Barnet and beyond?

The Prime Minister: I recognise my right hon. Friend’s concerns, and reassure her that we have been protecting police funding since 2015. We have enabled police forces further to increase funding through the council tax precept. This year, including council tax, there is an additional £460 million available to the police. However, I recognise the issue that my right hon. Friend has raised, and we will continue to ensure that the police have the resources they need to cut crime and keep our communities safe. There is also a role for chief constables and police and crime commissioners—as operational leaders and elected local representatives—to decide how best to deploy resources in order to manage and respond to individual crimes and local crime priorities.

Q3. [907885] Douglas Chapman (Dunfermline and West Fife) (SNP): I know the Prime Minister is visiting Scotland today, and I hear that there is already great dancing in the streets. But like most Scots, I have been horrified by the arrogant, shambolic and non-inclusive way in which the Government have gone about the Brexit negotiations over two tortuous years. What lessons has the Prime Minister learned so that we can have very simple, more productive and faster negotiations when we decide to dissolve the Act of Union?

The Prime Minister: The hon. Gentleman will be well aware of the vote that took place in 2014 and the desire of the Scottish people to remain in the United Kingdom. We have been working with the devolved Administrations at every stage throughout the negotiations. Indeed, the Chancellor of the Duchy of Lancaster has been having regular meetings with the devolved Administrations, and officials have also been meeting them, so we have ensured that the voice of the devolved Administrations has been heard in our negotiations.

Q15. [907897] Sir David Amess (Southend West) (Con): Last week, a debate took place at Durham Union. The motion was, “This House believes that the United Kingdom is less united than ever”. I was part of the team opposing the motion, and we comfortably defeated it. Does my right hon. Friend agree with those young people that the agreement that this House is being asked to vote on actually threatens our Union, was worked out by largely unelected people, and has a distinct remain flavour?

The Prime Minister: My hon. Friend might not be surprised if I say that I do not quite share that analysis of the deal that we put forward. Look, this is a deal that does deliver on Brexit. I think this is important: it does recognising the importance of small businesses, particularly in rural communities. We recognise that the widespread free access to cash remains extremely important in the day-to-day lives of many consumers and businesses throughout the UK. LINK—the UK’s cash machine network—is committed to maintaining free access to cash through its extensive footprint of ATMs. The Payment Systems Regulator, set up by the Government, regulates LINK and is ensuring that the UK payment system works in the interest of consumers. I assure my hon. Friend that the regulator is closely monitoring the situation and is holding LINK to account for its commitments to maintaining a broad geographic spread of ATMs across the United Kingdom.
deliver on Brexit but it does so in a way that protects our United Kingdom. That is an issue that I have set out in this House on many occasions, and it is one that we were very keen to ensure was dealt with in this deal. It is a deal that protects jobs, but it also delivers on the people's vote to ensure that we leave the European Union and that we do so in a way that delivers no free movement, no jurisdiction of the European Court of Justice, and not sending those vast annual sums to the European Union every year. But I thank my hon. Friend for engaging with those young people in Durham and debating this matter with them. It is very important that we ensure that young people maintain that interest in politics.

**Q7. [907889] Dame Louise Ellman** (Liverpool, Riverside) (Lab/Co-op): The Chancellor has broadcast to the nation that Brexit will make the UK poorer, the Prime Minister's last-minute concession in Europe puts Gibraltar's future on the line, and our long-term trade arrangements are simply unknown. Article 50 can be revoked. Is it not time for a people's vote with an option to remain?

**The Prime Minister:** First, I have already quoted—referred—what the Chancellor said. The hon. Lady's reference to the issue of Gibraltar goes absolutely contrary to what the Chief Minister of Gibraltar has said about the way in which the United Kingdom has absolutely stood by Gibraltar—and we will continue to stand by Gibraltar. She will have heard me say before that I believe, in terms of a second referendum, that it is important that we deliver on the vote of the British people. But I would also just ask her to consider this: it would not be possible to hold a referendum before 29 March next year. That would mean having to extend article 50—delaying Brexit or leaving with no deal. I believe that the best option for this country is to ensure that we deliver on the Brexit vote, that we leave the European Union next March, that we do not delay that point, and that we leave with a good deal that will protect jobs across the country.

**Sir Desmond Swayne** (New Forest West) (Con): Is the Prime Minister concerned about religious persecution in the Holy Land, and will she welcome the visit of the Patriarch of Jerusalem?

**The Prime Minister:** Thank you right hon. Friend. Of course, he will know that this weekend marks the start of Advent, which is a time of expectation and hope for Christians. Today is Red Wednesday—a day when landmark buildings, including these Houses of Parliament, will turn scarlet as an act of solidarity with persecuted Christians.

I certainly welcome the Patriarch of Jerusalem's upcoming visit. I know that some Israelis can face additional structural challenges, particularly Christian and Muslim Arab Israelis, who experience higher rates of poverty and unemployment, and can face discrimination. We certainly encourage the Israeli Government to do all they can to uphold the values of equality for all enshrined in their laws. I give my right hon. Friend the assurance that I will continue to work with Governments, with the international community and with the United Nations to support the rights of minorities, including Christians.

**Q9. [907891] Sir Vince Cable** (Twickenham) (LD): In the next 10 days, there will hopefully be informed debate on the Government's Brexit proposals and various alternative routes, including an election, a people's vote, and no doubt others. There is absolutely no reason why the public should be alarmed by continuing discussion of a chaotic no deal, because it is entirely within the power of this House and the Government to stop it. Will the Prime Minister reassure the public that under no circumstances will that happen?

**The Prime Minister:** The right hon. Gentleman, with his long years in this House, knows that we will on 11 December look at the deal that the Government have negotiated with the European Union. I believe there is a clear choice. I believe that backing that deal will provide people with certainty and ensure that we deliver on the vote of the British people in the best way for jobs and our economy. Failure to back that deal, I believe, would lead to chaos and uncertainty for people for the future, and the clear message I get around the country is that people do not want that chaos and uncertainty.

**Mrs Anne Main** (St Albans) (Con): This country exports vast amounts of plastic to developing countries, under the guise of recycling. Could we incentivise recycling in this country and seek to ban the exporting of our rubbish to other countries, where it often ends up in landfill or the ocean?

**The Prime Minister:** My hon. Friend has raised an important issue. I hope that she recognises the action the Government have taken in relation to plastic. I was very pleased yesterday, when I was at the winter fair at the Royal Welsh, to see a company that 29 years ago started recycling plastic and turning it into products that people could use, such as garden seats and tables. That was an innovative initiative 29 years ago, and it is slap bang what we all consider to be the right thing to do today.

**Q11. [907893] Dan Carden** (Liverpool, Walton) (Lab): The Prime Minister is currently travelling the country seeking public support for her Brexit deal, which she says will secure industry and jobs. Will she visit Cammell Laird shipyard in Birkenhead, where workers have been forced into industrial action, fighting the threat of casualisation, to save hundreds of skilled secure jobs in Merseyside at a company that has won £620 million of Government RAF contracts? What faith can people have in the future she offers if she will not act to save skilled secure jobs in our own defence industry?

**The Prime Minister:** May I say to the hon. Gentleman that I realise what a worrying time this must be for the employees of Cammell Laird? Obviously, the Government do not have a role in the strategic direction or management of the company, but officials are in close contact with the company and are being kept informed. I hope there can be a dialogue between all sides, so that they can work together to come to a solution that is in the best interests of all involved. As I say, I recognise what a worrying time this must be for the employees of that company.
Faced with the issue of fire authorities, and what we have seen over time is, actually, that sometimes plans are attempted to be put forward, on which money has been spent, which have not worked for fire authorities. It is important that we make sure that the level of protection and support that they provide is there, and obviously she has had a response from the Minister this morning.

Charlie Elphicke (Dover) (Ind): The Prime Minister will be aware that, in recent weeks, an unprecedented number of migrants—more than 100 migrants—have crossed the English channel to enter the United Kingdom. We could approach this in two ways. We could go out there and say something, just to show that the UK is doing that, or we could ask what is right for Asia Bibi. We are working with others in the international community and with the Pakistani Government to ensure that our prime aim—the safety and security of Asia Bibi and her family—is provided for.

Q12. [907894] Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): This morning, in the Westminster Hall debate on the proposed plan for the Tyne and Wear fire and rescue service, the Minister for Policing and the Fire Service finally admitted, in relation to funding, that “Tyne and Wear has had a more challenging settlement than other fire authorities”. How will the Prime Minister right this wrong?

The Prime Minister: It sounds to me as if the hon. Lady has already raised her concerns in relation to this matter, with the debate in Westminster Hall, and we have—[ Interruption. ] Yes, we have been looking at the issue of fire authorities, and what we have seen over time is, actually, that sometimes plans are attempted to be put forward, on which money has been spent, which have not worked for fire authorities. It is important that we make sure that the level of protection and support that they provide is there, and obviously she has had a response from the Minister this morning.

Charlie Elphicke (Dover) (Ind): The Prime Minister will be aware that, in recent weeks, an unprecedented number of migrants—more than 100 migrants—have crossed the English channel to enter the United Kingdom in small unseaworthy craft. Does she agree that it is very important that Britain and France work together to find the people traffickers behind this, put a stop to them, bring them to justice and ensure that we invest more in our border security?

The Prime Minister: My hon. Friend has raised a very important point, of which he is acutely aware as the Member for Dover. Earlier in the year, in our discussions with the French Government, we agreed that we could set up a co-ordination centre, which would enable the French and UK Governments and authorities to work together on exactly these sorts of issues. My right hon. Friend the Home Secretary has ensured that that co-ordination centre has now been stood up—literally, in the last few days.

Q14. [907896] Gavin Newlands (Paisley and Renfrewshire North) (SNP): The liquidated company Home Energy and Lifestyle Management Systems used the UK Government’s green deal scheme to mis-sell to and defraud hundreds of my Renfrewshire constituents. HELMS owner, Robert Skillen, has recently emerged from hiding. While he is ultimately responsible and should face the consequences, no one expects to be scammed by a Government-backed deal. Will the Prime Minister do the right thing and step in and compensate the HELMS customers for the money stolen from them under a UK Government banner?

The Prime Minister: I am not aware of the details of the case that the hon. Gentleman has raised, and perhaps it would be better if I were to write to him in response to his question.

Andrea Jenkyns (Morley and Outwood) (Con): It is of great concern to my constituent Carol Law, a staunch Brexiteer, that her name has ended up on the database of anothereurope.org, the left-leaning remain campaign group. From this organisation, Carol this week received an unsolicited email, seemingly from the right hon. Member for Tottenham (Mr Lammy) and the hon. Member for Brightton, Pavilion (Caroline Lucas), asking her to stop Brexit. Carol is a smart lady, however, and knows that our best years lie ahead outside the EU. Will the Prime Minister please take this opportunity to educate Opposition Members about general data protection regulation rules and ask them to remove Carol from any databases they are associated with?

The Prime Minister: I think that everybody needs to take care in relation to the names that they have on databases. The core point of what my hon. Friend was saying was to reveal the view, which a number of people have on the Labour Benches, that actually they should be trying to stop Brexit. I believe we should be delivering Brexit for the British people. As my hon. Friend believes—and, indeed, I concur with her—outside the European Union, there is a bright future ahead for this country. Our best days lie ahead of us.

Bambos Charalambous (Enfield, Southgate) (Lab): My constituent Sarah Rushton’s brother has been missing for over two years. Yesterday, I met her and Peter Lawrence, the father of Claudia Lawrence, who expressed their frustration that the Guardianship (Missing Persons) Act 2017 has yet to be implemented, despite receiving Royal Assent in April 2017, and is unlikely to take effect until July 2019. Will the Prime Minister assure me that there will be no further delays in the measures in the Act being fully implemented?

The Prime Minister: I will ensure that the Minister responsible will be in touch with the hon. Gentleman in relation to the enactment of those provisions.

Mr Peter Bone (Wellingborough) (Con): The Lords European Union Committee has stated: “On the basis of the legal opinions we have considered we conclude that, as a matter of EU law, Article 50...allows the UK to leave the EU without being liable for outstanding financial obligations”.

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The Prime Minister told me in Prime Minister’s questions two weeks ago completely the opposite. Who is right: the Prime Minister or the Lords European Union Committee?

The Prime Minister: The Committee of the House of Lords that my hon. Friend has quoted—it was quoted by another hon. Friend after the statement I made on Monday—did indeed say that in its view there was no legal obligation. There is a different opinion on this, which is that there are legal obligations for this country when we leave the European Union in terms of financial payments. I believe, as I have said before, that this is a country that upholds its legal obligations.

Liz Kendall (Leicester West) (Lab): I do not think that I have ever heard a Minister say that their Government’s plans would make our country poorer, as the Prime Minister’s Chancellor did this morning. Is that what she came into politics for?

The Prime Minister: Let me be very clear that what the Chancellor made clear this morning is that the Brexit deal that delivers best for our jobs and for our economy will continue to see our economy grow. It is not a case of the deal making us poorer than we are today. Our economy will continue to grow, and that is what is clear from the analysis and from the Chancellor.

Rachel Reeves (Leeds West) (Lab) rose—

Mr Speaker: Order. May I say to the hon. Lady, who is perched, poised and about to pounce with a point of order, that ordinarily points of order come after urgent questions and statements? If there is some peculiarly compelling reason why the matter should be aired now, because it somehow flows from proceedings, I am happy to hear it, on the assumption that it is brief.

Rachel Reeves: On a point of order, Mr Speaker. Have you been made aware of why the Chancellor is unable to respond to the urgent question? This is an incredibly important issue about the future of our country. He has found plenty of time to visit the television and radio studios this morning. He should be in this Chamber right now.

Mr Speaker: I am grateful to the hon. Lady for her point of order, and I recognise that she chairs an important Select Committee of the House, but the short answer for her, and for the benefit of the House and others attending to our proceedings, is that who the Government field to respond to an urgent question that I have granted is exclusively a matter for the Government. I think that the hon. Lady knows that—I take her puckish grin as testimony that she is aware of the fact—but she has registered her disapproval with the force and alacrity that we have come to associate with her. Meanwhile, however, we will hear the urgent question and the Financial Secretary to the Treasury will reply.
Leaving the EU: Economic Analysis

12.48 pm

John McDonnell (Hayes and Harlington) (Lab): To ask the Chancellor of the Exchequer if he will make a statement on the Government’s publication of the economic and fiscal analysis of various Brexit scenarios.

The Financial Secretary to the Treasury (Mel Stride): Today the Government published the analysis of the economic and fiscal effects of leaving the European Union, based on the most recent consultation we made to the House. It is important to recognise that the analysis is not an economic forecast for the UK economy; it only considers potential economic impacts specific to EU exit, and it does not prejudge all future policy or wider economic developments. The analysis sets out how different scenarios affect GDP and the sectors and regions of the economy against today’s arrangements with the European Union. Four different scenarios have been considered: a scenario based on the July White Paper; a no-deal scenario; an average free trade area scenario; and a European economic area-type scenario. Given the spectrum of different outcomes, and ahead of the detailed negotiations on the legal text of the deal, the analysis builds in sensitivity with effectively the White Paper at one end and a hypothetical FTA at the other.

The analysis shows that the outcomes for the proposed future UK-EU relationship would deliver significantly higher economic output, about seven percentage points higher, than the no-deal scenario. The analysis shows that a no-deal scenario would result in lower economic activity in all sector groups of the economy compared to the White Paper scenario. The analysis also shows that in the no-deal scenario all nations and regions of the United Kingdom would have lower economic activity in the long run compared to the White Paper scenario, with Northern Ireland, Wales and Scotland all being subject to a significant economic impact.

What the Government have published today shows that the deal on the table is the best deal. It honours the commitment we made to the House. It is important to recognise that the analysis is not an economic forecast for the UK economy; it only considers potential economic impacts specific to EU exit, and it does not prejudge all future policy or wider economic developments. The analysis sets out how different scenarios affect GDP and the sectors and regions of the economy against today’s arrangements with the European Union. Four different scenarios have been considered: a scenario based on the July White Paper; a no-deal scenario; an average free trade area scenario; and a European economic area-type scenario. Given the spectrum of different outcomes, and ahead of the detailed negotiations on the legal text of the deal, the analysis builds in sensitivity with effectively the White Paper at one end and a hypothetical FTA at the other.

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What the Government have published today shows that the deal on the table is the best deal. It honours the referendum and realises the opportunities of Brexit. [Interruption.] It is a deal that takes back control of our borders, our laws and our money. [Interruption.] Let me be very clear to the House and to those who say that the economic benefits of staying in the EU mean that we should overturn the result of the referendum: to do so would open up the country to even further division and turbulence, and undermine the trust placed by the British people in our democracy. What this House and our country face today is the opportunity presented by the deal: a deal that honours the result of the referendum and safeguards our economic future; or the alternative, the risk of no deal or indeed of no Brexit at all. [Interruption.]

Mr Speaker: Order. Somebody said something about “dishonest”. No Member should accuse another Member of being dishonest in this Chamber. I am not sure who I heard, but that must not be repeated. This is a disagreement between right hon. and hon. Members, and colleagues must remember that.

John McDonnell: The Chancellor promised us that the House would have a detailed economic analysis of the options ahead of the meaningful vote on Brexit. The least we could expect is that, instead of touring the broadcast studios, the Chancellor would be here himself to present an oral statement on the information.

Let us be clear. We are now in the ludicrous position of seeing an analysis produced today on the economic implications of Brexit, which is in fact largely an assessment of the Chequers proposals abandoned months ago. What the analysis produced by the Treasury today shows us is that if a no-deal scenario with no net EEA migration comes to pass—something the Government have recklessly, if incredibly, been threatening—we could see GDP almost 11% lower compared to today’s arrangements. Under the hard Brexit some Government Back Benchers have been promoting, it would be 7% smaller. Only a Chancellor who talks about “little extras” for schools would talk about this kind of effect as being “a little smaller”.

Can the Minister confirm that no deal is not an option the Government will allow to happen? Does the Minister agree that the one thing this document shows is that the deal on the table is even worse than the abandoned Chequers deal? Have the Government done any analysis whatsoever of the actual proposed backstop arrangements and will they be published in advance of the vote in a few days’ time? What fiscal assumptions is the Department making about extending the transition period, given that there may be no limit to what the European Union could ask for in return for such an extension? To be frank, if the Minister’s Government are not prepared to put jobs and the economy first in their Brexit negotiations, is it not time that they stepped aside and allowed Labour to negotiate that deal?

Mel Stride: Let me deal first with the point the right hon. Gentleman made about the Chancellor. The Chancellor is of course accountable to this House. He will be appearing before the Treasury Committee on Wednesday to give full account of the arrangements we are discussing today. Indeed, the Prime Minister herself will be appearing before the Liaison Committee.

The right hon. Gentleman raised the issue of a no-deal scenario and the fact that analysis is being based around that in this paperwork. That is entirely appropriate given that, as he will know, the political declaration suggests a spectrum of possible outcomes for the arrangements. That is why we not only analyse the Chequers proposal, but have a sensitivity analysis around that proposal as well.

The right hon. Gentleman raises the issue of a no-deal scenario. It is the Labour party that is pushing us more in the direction of a potential no-deal scenario by—I have to say it—deciding for its own political reasons to object to the deal we have put forward. To be clear, that deal is good for safeguarding the economic future of our country and it delivers on the 2016 referendum, giving us control of our borders, our money, our laws and ensuring we protect the integrity of the United Kingdom, while allowing us to go out and make future trade deals. This Government are totally committed to achieving that.

Mr Kenneth Clarke (Rushcliffe) (Con): Does my right hon. Friend accept that it is not possible to leave a free trade area with our largest and most important wealthy customers and introduce tariff barriers, custom delays, regulatory divergences and delays at borders without...
making this country poorer than it otherwise would be? It is difficult to see how anybody who follows economic policy can argue the contrary while keeping a straight face. Can he reassure me that the withdrawal agreement that is being put before the House enables no change at all to be made to our economic and trading arrangements through March next year until we go into a transition period that can be extended as long as is necessary to introduce practically any economic arrangement for the future that we want? It is obvious to me that we should stay in the single market and the customs union. Can he reassure me that that is still a perfectly reasonable possibility?

Mel Stride: My right hon. and learned Friend raises a number of points. The paper does not duck the question of the economic impact of the proposed deal compared to the status quo—the relationship with the European Union as it persists today. It makes it very clear that it will be detrimental in the economic sense. That is extremely clear. But I would put it to him that the deal is the best for the economy going forward as part of a deal that also delivers on several other things, some of which are entirely non-economic, such as control of our borders and free movement.

Kirsty Blackman (Aberdeen North) (SNP): Before and after the EU referendum, the Scottish National party said that leaving the EU would damage our economy. In December 2016, almost two years ago, the Scottish Government produced “Scotland’s Place in Europe”, our compromise position that makes it clear that, second only to staying in the EU, remaining in the single market and the customs union would be the best thing for Scotland’s economy and for the economy of the UK as a whole. The Prime Minister’s deal will cost every person in Scotland £1,600 compared to staying in the EU. The economy will grow more slowly. The agri-food sector will be particularly affected across all scenarios. Trade deals that we might strike will only increase GDP by a potential 0.2%. Public sector net borrowing will be higher. In what alternative reality is this a good deal?

Mel Stride: The hon. Lady is arguing to remain in the European Union. That would not respect the will of the British people as expressed in the referendum, the largest turnout in any electoral event in this country’s history. She talks about the imposition of trade barriers and the impact on the economy. There would be few impacts worse, I suggest, than Scotland becoming independent and having a customs barrier between ourselves and Scotland.

John Redwood (Wokingham) (Con): Will the Treasury publish the average 25-year growth rate in the last 25 years before we joined the European Economic Community and the average 25-year growth rate since 1992, when we have been in the full single market? In Treasury terms, this will show a massive loss of income and output as a result of belonging to those things, so the sooner we get out, the better.

Mel Stride: My right hon. Friend seems to have already availed himself of precisely that information to make his point. What I can assure him is that Stephen Nickell, formerly of the independent Office for Budget Responsibility, will, at the behest of the Treasury Committee, be looking at all the facts and figures and the model that we have employed in this respect. He will be given access to officials across all Departments to assist him in doing just that.

Several hon. Members rose—

Mr Speaker: I inadvertently neglected to congratulate the right hon. Member for Leeds Central (Hilary Benn) on an important birthday on Monday, but I belatedly express the hope that he enjoyed himself, being fêted by family, friends and, as appropriate, his Select Committee—I call Mr Hilary Benn.

Hilary Benn (Leeds Central) (Lab): Thank you very much, Mr Speaker. There was nowhere I would rather have spent my birthday than in the House of Commons questioning the Prime Minister on the Brexit deal, and I am sure that the same is true of the Prime Minister. On today’s urgent question, the Government are of course unable to analyse the political declaration because no one has the faintest idea about what kind of economic relationship will result from it, so instead, they have chosen to model the Chequers plan—the facilitated customs arrangements and the common rulebook—which has already been explicitly rejected by the European Union, which is why we have ended up with a vague political declaration. What is the purpose of trying to rest the Government’s case about minimising economic damage to the country on an option that the EU has already told us that it will not agree to?

Mel Stride: I echo your congratulations, Mr Speaker, to the right hon. Gentleman on his very special day. In the case of the political declaration, the right hon. Gentleman will know that it does not give a specific outcome because that is to be negotiated as we go forward, as was always going to be the case. However, while the analysis that we are presenting today is anchored on the Chequers arrangements and the July White Paper, it of course provides a sensitivity analysis around that to reflect the fact that there is a spectrum of potential outcomes.

Mr David Davis (Haltemprice and Howden) (Con): The Treasury, the OBR and the Bank of England between them produce numerous forecasts every year. When was the last time that any of them got one right?

Mel Stride: I suspect that in the history of highly detailed, complicated economic forecasts with myriad variables, there is probably not one in the entire history of the planet that has been entirely right in every respect. However, that is not an argument that my right hon. Friend can deploy not to go out and do an honest, sensible appraisal of what the likely outcomes are going to mean, both fiscally and in terms of GDP, as we go forward.

Sir Vince Cable (Twickenham) (LD): The Government have confirmed this morning what the independent National Institute for Economic and Social Research set out yesterday: relative to continued membership of the European Union, the country will be substantially poorer, with no Brexit dividend for the budget relative
to the position now. Is it not also the case that the Government’s relatively optimistic forecasts are based on the assumption of a smooth and rapid transition to a trade deal, or an indefinite period in a transitional arrangement, and that the likely outcomes and scenarios are potentially a great deal worse?

Mel Stride: No. The right hon. Gentleman raised specifically the issue of a Brexit dividend, and the Chancellor has rightly always been very clear on that. There is uncertainty in the economy at the moment and this is one of the key reasons why, if we can agree a deal, get that deal to stick and get rid of that uncertainty, a huge level of investment will come to our shores and this will be a huge shot in the arm to the British economy.

Nicky Morgan (Loughborough) (Con): Let me start by saying that this economic analysis has been published at the behest of the Treasury Committee, but none of the three men called before me so far from the Government side is on that Select Committee. I say to the Minister that I was very clear in the letter that I wrote to the Chancellor of the Exchequer on 27 June, which is available on the parliament.uk website for any interested parties. I said:

“The long-term analysis should consider the economic and fiscal impact of... implementing the Withdrawal Agreement and the terms of the future framework.”

It is clear, sadly, that that is not what has been published today. It may be the case that it is not possible, as we have heard, to model particularly those agreements and the future framework, but that should then be explained to the House out of respect for the House. This is only the first part of the economic analysis to be published. We will have the Bank of England’s economic analysis at 4.30 pm and that of the Financial Conduct Authority, and then there will be various relevant witnesses, including the Chancellor, giving evidence to my Committee in the course of next week. So I say to hon. Members that, rather than leaping to conclusions about what is on the printed page today, we should all take the time to read it in detail—all 90 pages, and the technical amendment of over 70 that is in the Bank of England’s analysis too—and we should listen to the evidence given next week, then listen to the debate, and then we will make our judgments on 11 December.

Mr Speaker: Order. Before the Financial Secretary responds, and I note what the right hon. Lady said, I just say to the House that by contrast with the experience of earlier periods, during and indeed throughout my tenure, it has been my overwhelming and almost invariable practice—as the sedentary nod of the hon. Member for Wellingborough (Mr Bone) testifies, to call everybody in urgent questions and statements. That did not use to happen. It almost always happens with me, so if people would just be a little bit patient, rather than everybody thinking, “I am more important than the other person,” everybody will get in. I called the Father of the House and two Secretaries of State of some standing. [Interruption.] And the right hon. Member for Loughborough (Nicky Morgan) was a Secretary of State, but the Chair decides who to call and when, and I will always ensure that everybody gets a fair opportunity. It has to be that way. I have always treated the right hon. Lady with the very greatest of respect and I will always do so. I will also try to equalise the gender balance, but I hope that people will understand when I say that there are limits to what the Chair can do. The Chair also depends on who is present and who is standing. I am doing my best and I always will.

Mel Stride: I think my right hon. Friend for Loughborough (Nicky Morgan) is entirely right in her exhortation to the House about the importance of making sure that we fully digest the two documents that are being brought forward—and indeed, as she suggests, the announcement that will be made by the Bank of England at 4.30 this afternoon—and that we in turn review very closely the evidence that the Chancellor and others give to the Treasury Committee. We do not want to make the kind of mistake that the Leader of the Opposition made when he dismissed our deal without even having read a word of it.

Alison McGovern (Wirral South) (Lab): I cannot help feeling sorry for Government economists today, because not only have they had people in the House disparaging their work, but what is more, they seem to have been asked by the Government to do what appears to be a spin job. May I ask the Minister whether the Chancellor of the Exchequer even asked the Government Economic Service what model could appropriately be produced based on the political declaration about the future that we are going to have to vote on?

Mel Stride: What I can tell the hon. Lady is that this analysis has been carried out, for example, not solely by the Chancellor or the Treasury, but right across Whitehall. Every Government Department has been involved in that. No direction as to the detail or what the outcome of the analysis should be has been made by Ministers, and it is important that I go on the record in this urgent question to defend those officials who are not able to speak for themselves in these circumstances and say that the Government have absolute confidence in them and their integrity.

Mr Jacob Rees-Mogg (North East Somerset) (Con): I am sure that my right hon. Friend recalls the wild inaccuracy of the Treasury’s forecasts before the referendum—of a punishment Brexit and an increase in unemployment of 800,000—but is there not a major flaw in the document we have before us? Global trends have not been modelled, yet it is thought that 90% of future global economic growth will come from outside the European Union. Without thinking about that, this forecast is worthless.

Mel Stride: I would make two points to my hon. Friend. First, this is not a Treasury report, as such, but as I have just outlined, it has involved discussions right across the whole of the Government. Secondly, on future trade deals, he will find buried within the detail that in fact assumptions have been made about future trade deals with countries such as the United States, China and India.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): The analysis published by the Government today, while not entirely clear in its picture, does highlight the specific impact that a bad Brexit would have on the north-east region. Today’s figures provide the modelling
for the north-east against a Chequers deal and an average free trade arrangement, but uses no deal as a base for that analysis. Can the Minister confirm today the impact on the economy of the north-east of a no deal and the Government’s intended deal as compared with the status quo—remaining in the EU?

**Mel Stride:** As I identified earlier, a no deal, as compared to the Chequers deal and the sensitivity analysis around that, would see every region, country and sector of the UK economy disadvantaged as a consequence. As the hon. Lady will see from the analysis presented, the impact of a no deal would be particularly felt in the north-east. That is the case also with the west midlands and the east midlands, where manufacturing is particularly prevalent. The model also showed potential impacts on agriculture, with a strong impact in areas such as Wales, Northern Ireland and Scotland.

**Anna Soubry** (Broxtowe) (Con): As you know, Mr Speaker, the hon. Member for Streatham (Chuka Umunna) and I tabled an amendment to the Finance Bill calling for the publication of precise modelling based on the status quo but to include the Government’s political declaration. The Exchequer Secretary to the Treasury, my hon. Friend the Member for Newark (Robert Jenrick)—he is my friend, and I am not by any means saying he has done anything dishonest—gave the following assurance at the Dispatch Box to this House, and as a result, the amendment was not pushed to the vote. Had it been, it would have been passed. *Hansard* records that my hon. Friend gave the following assurance to the House:

“The analysis will consider a modelled no-deal scenario, or World Trade Organisation terms; a modelled analysis of an FTA scenario; and a modelled analysis of the Government’s proposed deal.”—[Official Report, 19 November 2018; Vol. 649, c. 661.] At that time, it was the “proposed” deal, because it was before last weekend, when it became the political declaration. It is not the fault of my right hon. Friend the Financial Secretary to the Treasury, but it is somebody’s fault, because a promise was made at the Dispatch Box and in private that led to a course of action that meant that an amendment was not put to the vote that would have been put to the vote and agreed. I would like to know, please, why that solemn promise has been broken.

**Mel Stride:** I have huge respect for my right hon. Friend, whom I count as a friend, but I gently say to her that I do not believe that any promises have been broken. We have come forward with an analysis of the deal, and that analysis, of necessity, is a spectrum of possible outcomes. The political declaration very clearly does not identify a specific end point, so the choice we are left with is taking a position on a particular set of circumstances—in this case, the Chequers deal, as set out in the July White Paper—and then doing a sensitivity analysis so that we capture the different scenarios in which the final deal could land, although that, as we know, is currently unknown because it is subject to detailed negotiation.

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): The Minister has blown apart the Prime Minister’s entire claim by admitting that he cannot do any kind of assessment of the political declaration of the deal because, as he said and as it says in paragraph 28 of the political declaration, there is a spectrum of outcomes and controls. The trouble is that his assessment of that spectrum includes a huge range of possible outcomes for the growth of the economy, ranging from a 1% drop to a 7% drop. That is a substantial range. He is asking us to vote for this deal blindfolded, with no idea, and undermining our negotiating strategy in the process. Will he confirm that that is what he has just done?

**Mel Stride:** I am sorry to disappoint the right hon. Lady, but I will not confirm that, because, as I said in my last answer, the deal, as set out and elaborated upon in the political declaration, does indeed set out a spectrum of potential outcomes, so it is logical that it is that spectrum of potential outcomes that we should be modelling, and that is precisely what we have done.

**Mr David Jones** (Clwyd West) (Con): A few minutes ago, the Prime Minister twice regaled the House with a catalogue of the economic successes that this country is currently enjoying. That success is all the more remarkable when one recalls that prior to the referendum the Treasury solemnly warned that in the event of a leave vote the country would immediately enter recession. Given the historical shakiness of Treasury forecasting, is my right hon. Friend prepared to make not only the modelling but the working assumptions applied by the Treasury available to responsible third parties, such as economists of free trade, so that they may review them and see whether they agree?

**Mel Stride:** I can reassure my right hon. Friend that, as I outlined earlier, Stephen Nickell, formerly of the OBR—an independent body—will at the behest of the Treasury Select Committee have full access to all the information, data and methodology used to produce these impact estimates, and I can assure him that officials will co-operate fully.

**Meg Hillier** (Hackney South and Shoreditch) (Lab/Co-op): In 13 days, we in this House will vote on the future of our country, and yet the Government rushed into triggering article 50 and went recklessly into a general election without any timetabled plan for getting to 29 March, which is now the date. Will any information be made properly available to the House in the next 13 days to enable us to make a decision without being blindsided?

**Mel Stride:** I am slightly surprised by the hon. Lady’s question, because that is the very purpose of the information we are discussing. That information has been set out in great detail. As my right hon. Friend the Chair of the Treasury Select Committee has exhorted, it is incumbent on us all, given the magnitude and importance of the decisions we are about to take, to go away and digest that information in great detail.

**Neil O’Brien** (Harborough) (Con): The recession under the last Labour Government was the worst since the second world war and saw GDP fall by 7% and unemployment increase by 1 million. How would the effect of moving from a deal-based Brexit to a no-deal Brexit compare with that terrible outcome under the last Labour Government? Does my right hon. Friend...
agree that, because modelling future differences in regulation are involved, the process of modelling Brexit is a fundamentally uncertain one and that we should be very cautious and understand that there will be inevitable uncertainty in any forecast?

**Mel Stride:** My hon. Friend is absolutely right in his latter point about uncertainty. Of course, this is simply a set of estimated outcomes, and everybody in the House will look at it closely and form their own opinion upon it. The impacts of a no-deal Brexit are estimated within the papers, but he is absolutely right that what we inherited in 2010—the largest peacetime deficit in our history—is a very frightening comparison to contend with.

**Ms Angela Eagle** (Wallasey) (Lab): The Government, like a third-rate conjurer, hope that if they produce a range of examples for scenarios that are not going to happen, such as no deal or Chequers, somehow we will be taken in by it. Is it not about time the Government do what the House asks them to do, whether on legal advice publication or giving us the facts to make the decision, so that this House can take back control on behalf of the British people?

**Mel Stride:** We have done precisely what the House required us to do in setting out the estimated impacts of the deal, of an average free trade agreement, of an EEA-style scenario and, indeed, of a no deal. As for the hon. Lady’s point about the legal advice, I know that the Attorney General will be making a statement to the House in due course.

**Alec Shelbrooke** (Elmet and Rothwell) (Con): Is not the truth that the range of economic forecasts published today show the importance of trying to secure the withdrawal agreement? When I look at my constituents, I see the small to medium-sized enterprise manufacturing base that employs so many people who feed into the supply chain to the big companies that export frictionlessly into the European Union. It is important that we honour the result of the referendum, but that we also do everything possible to ensure that we do not fall off the cliff edge. The figures published today show that that would be catastrophic. We can argue about the size of those figures, but one thing is clear: if we do not allow a proper withdrawal agreement to take place, there will be a catastrophic economic impact, and it is the responsibility of us in the House to make sure we do everything possible to avoid that.

**Mel Stride:** My hon. Friend’s assertions lie at the heart of what we are all considering: the future of our country and the expressed will of the British people at the time of the referendum. What this deal—as opposed to no deal—will do is safeguard our economy and the jobs that we have created as a Government, ensure that we deliver on our pledge to take control of our borders, our money and our laws in order to protect the integrity of the United Kingdom, and enable us to go out as a globally facing nation and do deals with other countries around the world.

**Caroline Lucas** (Brighton, Pavilion) (Green): The Government are treating both Parliament and the people with contempt. The economic analysis published today is essentially worthless, because it does not model the Prime Minister’s blindfold Brexit. We have just heard why that is: because there are not enough facts in there, and it is just a leap into the dark. Does the Minister accept that the British public deserve better than this? Does he accept that they deserve facts, and that they also deserve a say on those facts?

**Mel Stride:** I assume that the hon. Lady is referring to the suggested second referendum. As I said in my opening remarks, I think that that would be entirely the wrong route. The British people took a decision in 2016. At that time the hon. Lady and I were on the same side of the argument, but the difference between us is that I respect that democratic decision. It would not be appropriate to go back with what would be a politician’s vote to seek a different outcome.

**James Heappey** (Wells) (Con): There is no point in sugar-coating it: there is clearly a cost to Brexit. However, there would also be a democratic cost were we to ignore the will of the people as expressed in the referendum. Does my right hon. Friend agree that if the House were to turn its back on a deal that minimises that cost and respects the will of the British people, we would plunge our economy into a period of great uncertainty, which would have huge costs and at the end of which the options would still be exactly the same?

**Mel Stride:** My hon. Friend is absolutely right. The choice before the House is to go for a deal that will safeguard our economy for the future and deliver on the aspirations and the messages that we saw at the time of the referendum. To go into uncharted territory beyond this deal—which could potentially end in a no deal—would not, I suggest, be in the best interests of any of our constituents.

**Mr Ben Bradshaw** (Exeter) (Lab): The Chancellor said, very sensibly, on the radio this morning that if, or rather when, the Government’s proposals were voted down by the House, the Government would have to consider all other options. If one of those options is the so-called pivot to Norway, may I say to the Minister, as someone who has voted for that in the past, that the ship has sailed? The only option left available to get us out of this mess is a people’s vote.

**Mel Stride:** The right hon. Gentleman will have heard my response to the hon. Member for Brighton, Pavilion (Caroline Lucas) in respect of a people’s vote. As for the so-called Norway option, that of course comes with single market membership, and would require us not to relinquish and absolve ourselves from free movement, which I believe is one of the essential things on which the electorate voted in 2016.

**Luke Graham** (Ochil and South Perthshire) (Con): When taking part in the debate on Scottish independence, I often saw how economic forecasts could be used to muddle the debate, and also to confuse constituents. Although I welcome the analysis—[Interruption.] Hang on; will Members just let me finish? I welcome the analysis that has been released today, but may I ask my right hon. Friend to release, as the tool in the analysis prescribes, further sensitivities that would allow us not only to see the difference between the assumptions in
the Chequers deal and those in the political declaration—as assumptions can be clearly stated—but to see, in the context of what is said by many on the leave side of the argument, what potential upside, if any, we could gain from other trade deals with the United States, Australia or indeed China? That would help to inform our decision making.

Mel Stride: My hon. Friend has invited me to go into some of the technical detail of what has been put before the House this afternoon. Let me direct him to my earlier remarks about the work that Stephen Nickell will be doing. It will be very detailed and very forensic, and will deal with all the assumptions, including the trading assumptions to which my hon. Friend has referred. Of course, that information will in time—in a short time—be available to the House.

Rachel Reeves (Leeds West) (Lab): However people vote, they expect the Government to put our national interest first. The deal on which we will vote in 13 days’ time clearly does not do that, and we are now confronted with circumstances in which the Prime Minister and the Chancellor are expecting us to vote for a deal that they know—and we all know—means that our economy will grow more slowly, and we will have a smaller economy with fewer jobs and less investment. No one voted for that in the referendum in June 2016, so can the Minister understand why so few MPs are going to vote for this deal in 13 days’ time?

Mel Stride: What the British people voted for in 2016 was this. They voted for a responsible Government to enter into robust negotiations with the European Union on behalf of the British people and secure a deal which safeguards our economy, the jobs and the economic future of all our constituents, but which also—critically—delivers on several other issues including an end to free movement, an end to the common fisheries policy and the common agricultural policy, control of our borders, not sending vast sums of money to the European Union, maintaining the integrity of the United Kingdom, and ensuring that we are able to go out and strike trade deals around the world as a global country. That is what we are delivering on.

Mr Peter Bone (Wellingborough) (Con): I spluttered over my cornflakes this morning when I heard the Chancellor spinning away on television and radio about something that had not yet been announced to the House. May I gently say to the Minister that it would have been proper for the Chancellor to make a statement to the House, rather than the Minister’s being dragged here by an urgent question?

The Government’s forecasts before the referendum told us that after the referendum there would be massive unemployment, a recession and an emergency Budget. That was proved to be totally wrong, so why should anyone believe a Government forecast for years and years in advance? Is this not just another Project Fear?

Mel Stride: My hon. Friend’s question is predicated on the erroneous assumption that this is a Treasury forecast. It is not actually a forecast. It is a set of impact assessments, and it is not a Treasury document, but one that has been brought together through intensive work across Government.

Several hon. Members rose—

Mr Speaker: The hon. Member for Manchester Central (Lucy Powell) has a particularly beguiling approach to seeking to be called, which is to show that she has a bigger and more enthusiastic smile than any other Member of the House.

Chris Bryant (Rhondda) (Lab): We can all do beguiling.

Mr Speaker: We can all do beguiling, but—well, we will leave it there. Lucy Powell.

Lucy Powell (Manchester Central) (Lab/Co-op): Thank you very much, Mr Speaker. I always thought that my teeth were one of my better features.

Chris Bryant: That’s why you take them out so often. [Laughter.]

Lucy Powell: Yes!

I suspect that the fairly candid approach today has actually hardened opinion on both sides of the debate. Given that, and given that the only really clear piece of advice that we get from this analysis is the catastrophic impact of a no deal, what action are the Government taking, legally and in terms of parliamentary procedure, to ensure that there will not be a no deal?

Mel Stride: The Government have taken a large number of actions, over thousands of hours of negotiation with the EU, to ensure that we do not have a no deal. The history of these negotiations is clear. We were told many months ago that we could not possibly arrive at a point at which we agreed the phase 1 issues, and we did just that. We were told that we were never going to agree an implementation period, and we did just that. We were also told that we would never agree a deal with the EU that we could bring back to the House, and we have done just that. The mission of this Government is to work tirelessly, day in day out, to ensure that we have the right deal for our people.

Charlie Elphicke (Dover) (Ind): As a member of the Treasury Committee, may I put on record, Mr Speaker, that you do indeed get in every colleague in an urgent question and statement, and that, in the Chair, you have, in my experience, been more committed to fairness, the rule of law and natural justice than some other Members of this House?

The Treasury Committee will look at the backstop and the risks of entering the backstop, but I cannot see the modelling for the backstop in this document. Can the Financial Secretary tell me where it is, and if it is not in this document, can it be provided before the Chancellor appears before the Treasury Committee so we can fully assess this deal and the risks—and economic risks—of the backstop?

Mel Stride: As my hon. Friend will know, our position on the backstop is extremely clear: we do not envisage requiring the backstop. We anticipate a deal by the end
of 2020, which is the end of the implementation period. There are alternatives to the backstop, as he will know, including a short-term extension to the implementation period, and of course in the event of our actually ending up in the backstop there is a mechanism through the Joint Committee and independent arbitration to pursue an exit from it. But we do not anticipate using the backstop.

Several hon. Members rose—

Mr Speaker: Ah, yes, the hon. Member for Nottingham East (Mr Leslie); he is a patient and laid-back fellow.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): Thank you, Mr Speaker—I think.

On reflection, it was probably quite wise of the Chancellor not to come here to give this statement. He definitely owes the junior Minister a stiff drink afterwards, because he is not wobbling, but drowning, especially as in this dodgy prospectus he has essentially admitted that we will not know on what free trade agreement the country is being asked to vote on 11 December. Does he not realise that the reason so many Members will not buy the dodgy sales pitch he is peddling today is that nobody is convinced about this Brexit lottery and just being told “Have faith, keep your fingers crossed, go with us in this giant leap in the dark”?

Mel Stride: It is not a giant leap in the dark to have a political declaration that makes clear that the deal that both sides will pursue in good faith will have at its heart a deep free trade agreement between ourselves and the EU27 with no tariffs, no quotas, no additional charges and so on, and will give us an end to free movement, end our sending vast sums of money to the EU and see us free to go out and do deals with other countries around the world.

Simon Hoare (North Dorset) (Con): We can trade predictions until we are either blue or red in the face, but the common-sense folk in the country know that as we leave the EU there are bound to be issues that need to be mitigated. On behalf of my constituents, I just seek this one, hopefully simple, assurance: that the Treasury has the resolve, the agility and the flexibility to address those issues as, when, or if they occur.

Mel Stride: I think I can keep my answer fairly short and say to my hon. Friend that we do indeed have precisely the resolve that he seeks.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): The Chancellor said this morning:

“There will be a cost to leaving the European Union, because it makes our trade less fluid and it cuts us from an important export market. It creates some level of barriers.”

In another interview, the Chancellor agreed with the interviewer’s analysis that every scenario under which we leave will be detrimental to our country’s GDP. Constituents of mine have already been in touch this morning appalled by these admissions from Government. Why does the Minister believe democracy was suspended two and a half years ago, and why will he not ask the country if this is actually what people really want?

Mel Stride: I gave my reasons earlier on the question of the second referendum: the country took a decision in June 2016, in the highest turnout of any electoral event in our history, and they decided that we should leave the EU. It was then incumbent upon us as a responsible Government to deliver on that decision; to us, that has meant that we should safeguard our economy—and this deal does that—but critically also deliver on a number of the other issues, which I have outlined at length in this urgent question, to make sure we deliver all those things for the British people.

Dame Louise Ellman (Liverpool, Riverside) (Lab/Co-op): The Minister says that the report will draw a comparison between current arrangements and various unspecified alternatives. Current arrangements in Liverpool have turned Liverpool’s fortunes around and the EU has been pivotal in Liverpool’s regeneration. We simply do not know what the Government proposals in the long term actually mean; we do not know what they are as they are merely speculative. So how will the Government make an assessment of the impact of Brexit on Liverpool? How far will this undermine its current success?

Mel Stride: Within the papers we have produced today there are regional impact assessments, including for the hon. Lady’s part of the country, of the various possible outcomes. The direction of travel that this Government are taking is to make sure we have as frictionless arrangements as possible with the EU27 going forward so that just-in-time delivery exports and imports can flow freely; indeed, that was at the heart of the July White Paper model. The hon. Lady will also know that at the heart of the political declaration is a no tariff, no quota, free trade arrangement. All those things will be important to ensuring we protect the jobs of her constituents.

Chuka Umunna (Streatham) (Lab): This is totally unacceptable. Had amendment 14 to the Finance (No. 3) Bill been put to the vote last week, it would have passed and it would have required the Government to provide a model with remain as the baseline against their proposed withdrawal agreement. On the basis of the promises made at the Dispatch Box, we did not press it to a vote. The Minister has denied that those assurances were given, and I do not want to do this but I am going to read what the Exchequer Secretary said at the Dispatch Box, we did not press it to a vote. The Minister has denied that those assurances were given, and I do not want to do this but I am going to read what the Exchequer Secretary said to me and the right hon. Member for Broxtowe (Anna Soubry): “I will explain at the Dispatch Box that we will look at three scenarios: WTO, FTA and the Government’s proposed deal.” There is no doubt about the promise that was made to us, in return for which we agreed not to press amendment 14 to a vote. Can the Financial Secretary tell me why I should not think that the right hon. Member for Broxtowe and I have not been misled, and does this analysis not prove the overriding point that the best deal on offer is the one we have now, which is why we need a people’s vote on this issue to settle it?

Mel Stride: What the Exchequer Secretary said at the Dispatch Box was right, and these reports deliver on exactly what he said. [Interruption.] If the hon. Gentleman gives me a moment, I will try to explain the answer to his charge. First, he sought a comparison with the baseline, as he termed it. The baseline comparison is there: it is the status quo—it is our arrangement with
the EU27 that we have at the moment as a member of the EU. He then suggests that we did not make a comparison of the deal with that, but many Labour Members have said, “We don’t know exactly what the deal is and we want to know what it is now.” We do not know what the deal is because the political declaration—understandably, given that we have a negotiation now to go through—sets out the parameters and the spectrum of potential outcomes. Therefore, in order to fulfil the obligation the Exchequer Secretary made at this Dispatch Box, we have made just that comparison—a comparison of the Chequers arrangement, with a sensitivity around that, with the base case. That is exactly what the Exchequer Secretary said we would come forward with.

**Sammy Wilson** (East Antrim) (DUP): It is probably a gross understatement to say that economic forecasts have a very poor record. Since the referendum, all the forecasts have indicated that we should now be in the midst of a deep economic recession, yet the Government are boasting—and have real-time evidence—that we are riding the crest of the economic wave. In the Minister’s initial response, he said that this document was only about the potential fiscal impacts. He also said that it did not anticipate future policies, that it was based on a hypothetical free trade arrangement, and that some of the effects would be felt only in the long run, which of course is very uncertain. Can he understand why many of us in the House do not believe that it is worth the paper it is written on? This is certainly not the basis on which we should make a judgment on whether to vote for a flawed and deeply damaging deal.

**Mel Stride** (Pontypridd) (Lab): I don’t know about you, Mr Speaker, but I remember this Government lecturing Labour Members for years about the problems of saddling future generations with borrowing and debt. I can read the writing on the wall, even when he has written it himself. The truth of the matter, when we boil this all down, is that the country will have to pay a price for a fla ed and deeply damaging deal.

**Mel Stride**: These papers put forward an honest appraisal of the estimated impacts of the different scenarios that we have been discussing this afternoon. The right hon. Gentleman makes a more general point about the inexactitude of economic forecasting, and he is right. We have a whole slew of variables, and we are looking at casting 15 years beyond the end of the implementation period—in other words, to 2034-35—which is quite a challenge. However, that is not the same as saying that we have not taken an honest and robust approach to this task. We have done that, and we have gone further. At the behest of the Treasury Committee, we have said that we will have an expert to go through all the details of the analysis, with access to all the officials across all the Departments involved, and that that information will in turn be made available.

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): The Government’s conduct in this matter has been appalling. There is only one clear message that the public should hear from this: Brexit makes you poorer. Every scenario, including the European Economic Area box, we have made just that comparison—a comparison of potential outcomes. Therefore, in order to fulfil the obligation the Exchequer Secretary made at this Dispatch Box, we have made just that comparison—a comparison of the Chequers arrangement, with a sensitivity around that, with the base case. That is exactly what the Exchequer Secretary said we would come forward with.

**Mel Stride**: Given that this is about the fifth time that I have been asked that specific question, I hope you will forgive me, Mr Speaker, if I refer the hon. Gentleman to my previous answers.

**Tom Brake** (Carshalton and Wallington) (LD): If the Prime Minister will not rule out no deal for sound economic reasons, will the Minister do so for vital health reasons? Is he aware that, according to specialist cancer charities, patients are already scaling back on their doses and stockpiling medicines because of fears over the prospect of no deal? Why will the Government not deal with their concerns and rule out the prospect of no deal now so that those patients can have the reassurance they need?

**Mel Stride**: It will be for Parliament ultimately to decide whether the Government’s deal prevails. I think that the right hon. Gentleman and I are on the same side here, because I believe that the prospect of a no deal is deeply unattractive—notwithstanding the fact that we are making extensive preparations for no deal—partly for the reasons he has identified. We want a deal. We want this deal. We want a deal that is good for our country, and we want to avoid the very situations that he has elaborated on.

**Owen Smith** (Pontypridd) (Lab): I don’t know about you, Mr Speaker, but I remember this Government lecturing Labour Members for years about the problems of saddling future generations with borrowing and debt. The Brexit deal that the Minister proposes is modelled in this bogus paper. Will he confirm that it states on page 76 that we will be borrowing an extra £37.5 billion by 2035 as a result of this deal?

**Mel Stride**: The hon. Gentleman is right to say that there are figures of that nature in this report, because it is an honest and open report about the implications of all the possible outcomes. However, we have to compare that with no deal, or with the EEA or an average FTA deal. We have negotiated with the European Union and we have to deal with politics not just as perpetual opposition but as the art of the possible and the art of doing a deal that will be good for this country, safeguard our economy and deliver on those things that the referendum result told us in 2016.

**Chris Bryant** (Rhondda) (Lab): The trouble with the Government being in denial is that they just keep on denying that they are in denial until they go blue in the face. What we have learned today is that this Minister cannot read the writing on the wall, even when he has written it himself. The truth of the matter, when we boil this all down, is that the country will have to pay a price if Brexit goes ahead, and the people who will have to pay the most are the poorest in the land—my constituents. Should they not have the right to a final say on this?

**Mel Stride**: This is now the sixth or seventh time that I have been asked whether we should have a second referendum. I shall just reiterate what I have said on each previous occasion. As the hon. Gentleman will know, we had a vote in 2016 and it had the largest turnout of any electoral event in this country’s history—
British people to now go out and say, “We didn’t actually like the answer you gave the first time, so how about a different answer this time?”

Emma Reynolds (Wolverhampton North East) (Lab): The Chancellor said on the radio this morning that the Prime Minister’s deal—he said the Prime Minister’s deal, not Chequers—would lead to a smaller economy than at present. Will the Government therefore commit to publishing the economic analysis behind what the Chancellor said this morning? Does the Minister not think it odd and wrong for the Government to ask us to vote for a deal that will make the economy smaller and people worse off?

Mel Stride: This deal protects the economy over and above the other options and possible outcomes, which is what this House wanted us to assess. We have done that, and this deal is clearly the best option on the table economically. It also delivers on the other elements, including the non-economic ones, that are important to people up and down the country, including intra-EU migration.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): It is clear that Brexit makes people poorer. As chair of the all-party parliamentary group for disability, I have been inundated by correspondence from concerned people with disabilities up and down the country. What will the impact be for people with disabilities? Will an equalities impact assessment be undertaken? Given that many of those people are already living on a shoestring and could become poorer, what safeguards will the Government put in place?

Mel Stride: The hon. Lady asks specifically about those with disabilities. This Government have an outstanding record in that respect. We spend £50 billion—Interruption.—We spend £50 billion on those with disabilities and long-term health conditions. The critical point here is that the only reason we can provide that support is because of our effective, responsible stewardship of the economy. The responsible thing to do for the economy now, in order to protect just the constituents to whom she refers, is to ensure that this deal prevails, that we get economic certainty behind us and that we see the economy safeguarded, improving and growing into the future.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): The 90-page economic analysis repeatedly cites the importance of trade to the north-east, and the significant negative impact of no deal. Will the Minister confirm that, because of our manufacturing strengths, our exports and our integrated pan-European supply chain—which, regardless of claims by the European Research Group, cannot be replaced by deals with Australia, America or China—the only deal that could possibly work for jobs in the north-east is permanent membership of a European customs union?

Mel Stride: The hon. Lady is absolutely right to identify and characterise the businesses in her constituency in that way. They are deeply connected through supply chains to the European continent. That lies right at the heart of the political declaration and of our commitment to having the most frictionless trade possible and having no barriers, quotas or additional charges involved in that aspect of the relationship. I would say to her, respectfully, that she cannot view this deal in a vacuum. There is a danger, as she will recognise, that if we end up in no-deal territory, all the very things she fears may come to pass. It is really important for all of us across the House who have manufacturing businesses in our constituencies to stand up for them and support this deal.

Kate Green (Stretford and Urmston) (Lab): The Minister has been at pains to make it clear that he is speaking to a Government-wide document, so may I ask him about an aspect of Government policy that will be material to the economic outcome of whatever deal the Government bring forward—that is, policy in relation to migration? Despite promises of an immigration White Paper, last year through to this summer, it is still not in front of us. Will the Minister guarantee that we will have that White Paper, clarity about the Government’s immigration policy choices and a proper economic analysis of their impact, in time for the vote on 11 December?

Mel Stride: We will of course come forward with further information about the policies that we intend to pursue in the area that the hon. Lady raises, but I want to point her to the fact that within the analysis being presented today, there is of course an analysis on both a “no net migration” basis between ourselves and those based in the European economic area, compared with the free movement that we have today. So that is actually factored into the analysis that we are reviewing now.

Phil Wilson (Sedgefield) (Lab): The Chancellor admitted this morning that any Brexit deal will make the British economy and the British people worse off. Does the Minister agree with him?

Mel Stride: What matters now is that we support this deal, to support the economy. The analysis clearly shows that compared with the other options, particularly no deal, it is by far preferable, in terms of the economics and the impact on the economy, to support this deal.

Hywel Williams (Arfon) (PC): Every assessment that the Government have published this morning shows Wales being worse off. I will not burden the Minister with yet another question about a people’s vote, but can he confirm from the Dispatch Box that in the entirely hypothetical case that we were to stay in the European Union, Wales would be not worse off but better off?

Mel Stride: I am afraid that the hon. Gentleman’s question is predicated on a train that has left the station, because we are leaving the European Union on 29 March—we are going to honour the will of the British people as expressed in June 2016—but I can reassure him that of the various scenarios that these papers review, this Government’s hard-won deal with the European Union is by far the best of all the alternatives for his constituents.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): I should say, with a background in local government, that had our cabinet been expected to make such an important decision without any financial information
and without the legal advice being made available to the decision makers, the council would be in special measures by now. Let me just put the Government on warning: Members of this House will not accept this as fulfilling their responsibility when casting such important decisions. Does the Treasury accept that part of the reason why the economic shock will be felt in our regions is the chronic under-investment and the stubbornness, through austerity, in hitting those economies right at the heart of their communities?

**Mel Stride**: No. If the House agrees to this deal, and we proceed to get a deal with the European Union that does all the things that I have many times in response to this urgent question outlined to Members, it will provide confidence. It will provide further investment. It will support jobs. It will seek growth. It will see unemployment, which is already at a 45-year low, nice and low, where we want it to be. So I would urge the hon. Gentleman to support the deal and to do so on behalf of his constituents.

**Tonia Antoniazzi** (Gower) (Lab): Today, I am absolutely incandescent, because it is insulting to my constituents that that piece of paper that the Minister has produced today is going to make them poorer. The Minister has not had the decency to compare the current situation with what it would be like to remain in the EU. Welsh farming unions are being told that they have to accept the deal because otherwise there will be no deal. That is scaremongering—absolute scaremongering. I am fed up with people coming to me and telling me to back the withdrawal agreement. I will not back something that makes my constituents, my family and everybody else poorer. I am an unapologetic people’s campaigner; I want a people’s vote. This spin—what the Minister is saying and what the Government are saying to the people—is absolutely wrong. The Government are misleading them, and I am angry. Everybody is angry. We want a people’s vote.

**Mel Stride**: A second referendum would be deeply divisive for our country. It would send a signal—*Interruption.* The hon. Lady has had her say. She and I campaigned on the same side in the referendum. I believe that when we have a referendum, which was widely debated over a long period, and a result is given, on the highest turnout of any electoral contest in our country, that result must be respected.

**Alison Thewliss** (Glasgow Central) (SNP): UK Government analysis in 2014 said that Scottish independence would cost the economy 0.4% to 1%, but HM Treasury analysis today says Brexit will hit the UK economy by 3.9%. With apologies to my former colleague Callum McCaig, the previous Member for Aberdeen South, does the Financial Secretary to the Treasury honestly believe that the UK can afford to be independent?

**Mel Stride**: Yes is the answer. We have a bright future ahead of us. We have the opportunity, with this deal, to go out and do other deals around the world with other countries. The report makes specific reference, for example, to the United States, China, India and other important trading nations. We know that those parts of the world outside the European Union are growing far more strongly than countries within the bloc of the EU27, so I am optimistic about the future of my country.

**Peter Grant** (Glenrothes) (SNP): I am not going to draw any conclusions, Mr Speaker, on your assessment of how big or beguiling any of my attributes might be, because they obviously have not been enough to catch your eye until now. I draw the Minister’s attention to footnote 42 of the analysis, which states:

“For the purposes of EU exit modelling, the UK is assumed to pursue successful trade negotiations with the United States, Australia, New Zealand, Malaysia, Brunei, China, India...Brazil, Argentina, Paraguay...Uruguay”.

United Arab Emirates, “Saudi Arabia, Oman, Qatar, Kuwait and Bahrain”.

In the real universe, in which none of those deals is fully in place by the end of the transition period, how much worse than the Government’s own grim forecasts will the economic impact of Brexit really be?

**Mel Stride**: The hon. Gentleman is questioning some of the assumptions within a very complicated model, and as he has identified, the assumptions include that free trade agreements will be entered into with a variety of other countries. It is incumbent on him, if that is an area of the model that he wishes to stress-test particularly forensically, to look further into it, to look at the work that I have already outlined to the House will be carried out independently on behalf of the Treasury Committee, to question Ministers on that specific issue as he sees fit and to proceed in that manner.
Po ints of Order

1.58 pm

Caroline Lucas (Brighton, Pavilion) (Green) rose—

Mr Speaker: I will come to the hon. Lady, but I think I will take the Opposition Front Bench first.

Peter Dowd (Bootle) (Lab): On a point of order, Mr Speaker. May I seek your advice? The Financial Secretary to the Treasury failed to answer adequately the questions and assertions from the right hon. Members for Broxtowe (Anna Soubry) and for Loughborough (Nicky Morgan), among others, specifically on a missing scenario based on Britain’s current deal. How can I get clarity, therefore, on the content of footnote 1 on page 4 of the executive summary, which says:

“The four scenarios, and the policy assumptions underpinning them, were approved by ministers”? In that respect, were other scenarios, including, for example, the scenario on the current deal, specifically ruled out by Ministers notwithstanding the advice of Treasury advisers and advisers from other Departments, as the Minister put it, for the sake of comprehensibility?

Mr Speaker: I always seek to be helpful to Members with points of order, although I hope the hon. Gentleman will not take offence if I say that his intervention just now had many distinguishing features, but that of being a point of order was unfortunately not one of them. He seems to me to be raising a question that he would have liked to ask if he had had the opportunity to do so and that could have been raised by the shadow Chancellor if he had chosen to do so, but he did not. [ Interruption. ] The shadow Chancellor is signalling that it is a response to what has since been said, which is not an unreasonable point. I do not think that I can procure an answer for him now if a Minister does not wish to rise to his feet and stand at the Dispatch Box.

The Financial Secretary to the Treasury (Mel Stride) rose—

Mr Speaker: If the Financial Secretary wants to be helpful and courteous to the House, as he ordinarily is, by leaping to his feet to seek to respond to the point, he is welcome to do so. I am grateful to him for his co-operation.

Mel Stride: Further to that point of order, Mr Speaker. With respect to the hon. Member for Bootle (Peter Dowd), and I do respect him, in my responses to the various questions I was asked this afternoon, I made it very clear that with the report we have, indeed, responded in the way that was required. We have benchmarked the deal—expressed as a potential range of different outcomes, which he will know is exactly how the deal is expressed within the political declaration—against the status quo, our current relationship with the EU27.

Mr Speaker: We are grateful to the Minister for that. What I would say to the hon. Member for Bootle (Peter Dowd) is that it is perfectly possible for this matter to be further aired in correspondence, and I have a hunch that it might well be— [ Interruption ]—as we speak. Moreover, it is even possible for the matter to be aired by the alternative route of questions, and I have a physical image in my mind now of one or other of the two relevant parties on the Opposition Front Bench beating towards the Table Office to table the said questions. Those routes—correspondence and written questions—are not mutually exclusive. I hope that is helpful.

Caroline Lucas rose—

Mr Speaker: I am saving up the hon. Lady. It would be a pity to squander her at too early a stage of our proceedings.

Keir Starmer (Holborn and St Pancras) (Lab): On a point of order, Mr Speaker. On 13 November, this House unanimously passed a motion on an Humble Address concerning the legal advice provided by the Attorney General to Cabinet on the terms of the draft withdrawal agreement. I made it clear in that debate that the motion requires “the publication of the final”—and full—“advice provided by the Attorney General to the Cabinet concerning the terms of any withdrawal agreement…this to be made available to all MPs…it should be made available after any withdrawal agreement is reached with the EU, but in good time to allow proper consideration before MPs are asked to vote on the deal.”—[ Official Report, 13 November 2018; Vol. 649, c. 192. ]

It was on those terms that the motion was passed, unopposed by the Government.

Upon your advice being sought at the end of that debate, Mr Speaker, you said that “the motion is effective—I have been advised thus. It is not just an expression of the opinion of the House; it is an expression of the will of the House that certain documents should be provided to it.”—[ Official Report, 13 November 2018; Vol. 649, c. 236. ]

I understand from today’s written ministerial statement that an oral statement will be made to the House on 3 December by the Attorney General, but I am deeply concerned by the comments from the Chancellor this morning and from the Prime Minister on the Floor of the House that the Government do not intend to comply with this motion in full and will, instead, publish only a position paper summarising the Attorney General’s advice. I am now seeking your advice, Mr Speaker, on what further steps I can take to ensure the Government comply with the motion approved by this House and provide this advice in full and in time to inform the meaningful vote.

Mr Speaker: I am grateful to the right hon. and learned Gentleman for his characteristic courtesy in giving me advance notice of his intention to raise this point of order. He raises a very important matter, and I understand from the written ministerial statement that a document setting out “the Government’s legal position” will be published on Monday—described by the Prime Minister as a “full, reasoned position statement”.

I must be careful not to prejudge, but if the right hon. and learned Gentleman believes that he already knows enough to be sure that Ministers are not complying with the Humble Address, he is free to write to me, as early as he likes, to suggest that the House has seen, or is about to be subject to, a contempt and to seek precedence for a motion to deal with it. It will be for me...
to decide, and I will not linger, whether there is an arguable case that a contempt has been committed, and therefore whether an appropriate motion should be put urgently before the House.

Nigel Dodds (Belfast North) (DUP): Further to that point of order, Mr Speaker. I concur entirely with what has been said by the right hon. and learned Member for Holborn and St Pancras (Keir Starmer). The view he has expressed is, I think, felt widely across all parties in this House, and I really do hope that the motion that was passed will be delivered in full, because on the day of that debate we made it very clear where we stand, and we expect the Government to respond in full to the will of the House.

Mr Speaker: I thank the right hon. Gentleman for what he has said to me and to the House. To what he has said there is really nothing substantive that I need to add. All I would say to him is that, on the basis of what he has said, it is open to him also to write to me on this matter.

Caroline Lucas rose—

Mr Speaker: I apologise for holding the hon. Lady back, but I had a sense that those points of order were going to relate to each other. Her point of order is on a different and unrelated matter, and I look forward to hearing it.

Caroline Lucas: On a point of order, Mr Speaker. Earlier today, the hon. Member for Morley and Outwood (Andrea Jenkyns) named both the right hon. Member for Tottenham (Mr Lammy) and me in her question to the Prime Minister, claiming that we were somehow complicit with the group Another Europe is Possible in terms of its misuse of data. I ask the hon. Member for Morley and Outwood, through you, to correct the parliamentary record. Another Europe is Possible is 100% compliant with the general data protection regulation.

It turns out that her constituent took action via the group’s website, and the communication she has had subsequently has been in line with the opt-in preferences that she actively expressed on that website.

Further, Mr Speaker, will you indicate what action could be taken if it were to be found that the Prime Minister inadvertently misled the House during Prime Minister’s questions when she replied to the Leader of the Opposition, “This analysis does not show that we will be poorer in the future than we are today... No, it does not. It shows that we will be better off with this deal”? I think the ministerial code suggests that, if it were the case that she inadvertently misled the House, she should be able to come back to the Chamber to make a statement.

Mr Speaker: I am grateful to the hon. Lady for her point of order, and I thank her for it. I think, however, that she may be seeking to continue the argument. All I would say is that the content of an hon. Member’s remarks is a matter for that hon. Member. I note what the hon. Lady has said, and it will now be reproduced in the Official Report, about the circumstances, and Members and others will form their own judgment of that.

In the event that anybody has inadvertently misled the House, it is incumbent on that Member, whoever he or she is, to take the opportunity to correct the record. I can assure the hon. Lady that she will have plenty of opportunity to pursue these matters in the days ahead.

I would like to leave it there at present. I am responding almost on the hoof to what the hon. Lady has said. [Interruption.] She is looking slightly quizzical and, because I am in a generous mood, and I think it is right to be generous—[Interruption.] The Clerk is implying that I should not be generous. [Laughter.] He is a very generous-spirited person, but he is implying perhaps that I should not be generous. If the hon. Lady wishes to raise a further point of order, I will hear it, although I offer no guarantee that I will reply to it to her satisfaction.

Caroline Lucas: Further to that point of order, Mr Speaker. Thank you for your generosity. I simply express my confusion, because I genuinely thought that is what the ministerial code suggests. Were the Prime Minister to be demonstrably shown to have inadvertently misled the House by claiming something that is not the case—we know it is not the case—I am surprised there is not some way to ask her to come back to the Chamber to formally make that correction, rather than simply allowing it to sit on the parliamentary record.

Mr Speaker: The difficulty is that the ministerial code is the code under which, if I understand this correctly, the hon. Lady is seeking redress or correction. I am not the arbiter of the ministerial code—as she will know, the Prime Minister is its arbiter. In these circumstances, it is very difficult for me to say anything beyond what I have said. If the hon. Lady feels genuinely strongly that an effective injustice, albeit inadvertent, has been committed, I strongly advise her to raise this matter in correspondence with the Prime Minister in such a fashion as she sees fit. The hon. Lady can raise it in private correspondence or she can publicise the correspondence if she so wishes and seek to extract the outcome that she thinks is appropriate in this case. I repeat that if an error has been made, an error should be corrected. It is in that sense as simple and incontestable as that, but I hope people will understand when I say that it is not for the Chair to judge whether an error has or has not been made. I have set out what the circumstances are or what situations should apply in the event of an inadvertently misleading statement. I thank the hon. Lady for her point of order and for her patience.
Fire Safety (Leasehold Properties)

Motion for leave to bring in a Bill (Standing Order No. 23)

2.11 pm

Marsha De Cordova (Battersea) (Lab): I beg to move,

That leave be given to bring in a Bill to require freeholders of certain properties that have failed fire safety tests to carry out remedial work; to make provision for sanctions for such freeholders who fail to carry out such work; to ensure that leaseholders are not held liable for the costs of such work; to make provision for a loan scheme to assist freeholders in carrying out such work; and for connected purposes.

Few rights are as basic or as essential as the right to a decent and safe home. Everyone should be able to go to sleep at night knowing that they and their families are safe, but in June 2017 we saw the shocking consequences of what happens when that right is not guaranteed. The Grenfell Tower disaster showed beyond all doubt that there can be no complacency on fire safety. The tragedy is not simply that this was recognised only after the fire, but that there had been warnings. The inquest into the 2009 Lakanal House fire warned that proper fire safety checks could have saved lives, but the action that was needed was not taken.

The Hackitt review of building regulations and fire safety, launched after the Grenfell Tower fire, found that the regulatory system was “unfit for purpose”. It found that there is no clarity about responsibilities and a lack of competence at assessing fire risk. It found that there is inadequate means of compliance assurance, and inadequate deterrence or redress for non-compliance. Crucially, it found that residents’ concerns about fire safety risks are not properly heard. It spoke to the neglect of fire safety concerns by successive Governments. Instead of rigorous processes and high standards, a system had developed where corners were cut, costs were reduced and self-regulation was assumed.

Although it is now recognised how wrong this approach is, its consequences are not all behind us. As of last month, 457 residential blocks and public buildings over 18 metres in height have been found to have ACM—aluminium composite material—cladding, the type of cladding that was applied to Grenfell Tower. Of these, 410 are unlikely to meet building regulations, with as many as eight of those being in my constituency of Battersea. It is now widely recognised that this is not good enough and that fire safety remedial work is needed. Although the Government have created a fund for social landlords to carry out fire safety remedial work, the question of costs at private leasehold blocks has been left unanswered. With nearly 300 private residential blocks across the country, this is a major issue.

The costs involved are great, with fire safety remedial work at some blocks expected to cost as much as £40 million, meaning costs per apartment of as high as £40,000. Leaseholders have been told that they may be expected to pay these eye-watering costs. That is the situation facing leaseholders in Sesame Apartments, a block in my constituency. Residents of the block contacted me last year because they were concerned not just that their block was not fire safe, but that they may be held liable for costs of remedial work. They had discovered that their building has ACM cladding, after a fire in the block revealed that compartmentalisation had failed.

A “waking-watch” system was put in place, at the cost of thousands of pounds per week—to date, the cost has been nearly £1 million, while replacing the cladding is expected to cost £2 million. In total, the costs per flat approximate to between £30,000 and £40,000.

I have met residents on multiple occasions, in constituency surgeries and in Parliament. I have written to Secretaries of State and Housing Ministers, but still, after a year, residents are living in fear that these colossal costs will be passed on to them, and that is having a serious impact on their lives. One resident has told me of the “heart-break” of money they had saved for IVF treatment now needing to be set aside in case these costs are passed on to them. Another young woman told me that her pride at getting a foot on the housing ladder was dashed when she found out that her 25% shared ownership may make her liable for 100% of the costs. Others tell me that they cannot move because the property value has plummeted because of the risks of these costs.

A similar situation confronts leaseholders across the country. Each case has its differences, but we see an unmistakeable pattern: residents look on while a group of opaque freeholders, managing agents, developers and insurers fight over the question of liability, all determined to protect their interests and all using their considerable financial resources to argue their case. Developers argue that they built properties to building standards, so they cannot be liable. Insurers argue that the fire safety failures do not break warranty claims, so they cannot be liable. Freeholders point to “sweeping-up” clauses, that can allow them to pass on costs to leaseholders, so they cannot be liable either. Unlike leaseholders, these people each have teams of lawyers to make their case.

Against that, leaseholders, who are ordinary people—teachers, nurses, lawyers, doctors—face the prospect of their lives being burdened with tens of thousands of pounds of costs. These are costs that many could not ever imagine affording. In this fight, they must do it themselves, using their spare time to defend their futures. Whereas freeholders, developers and insurers argue their case, one party is unambiguous in their innocence—the leaseholders, who are in no way responsible for fire safety failures and who have only suffered because of them. While they argue their case, leaseholders tell me how powerless they feel, and how they feel like David, confronted by Goliath. As these arguments rage on, month after month, leaseholders know that the costs are piling up, and that their homes remain unsafe and their blocks remain wrapped in unsafe cladding.

We know that in some cases developers have stepped in to pay the costs, for example, at Citiscape in Croydon. In other cases, such as that of New Capital Quay in Greenwich, the insurers have accepted liability. But leaseholders in hundreds of other blocks have not been so lucky. They remain at risk of devastating costs and uncertainty. When they are being let down by the system, when they are being asked to pay huge costs they are not responsible for, it is the Government’s duty to remedy these ills and to right this wrong. From the beginning, the Government have said that leaseholders should not be held liable for these costs and that “morally” the freeholders should pick up the tab. Just recently, in response to a parliamentary question, the Minister for Housing went so far as to say that the private sector must,
“fund the measures necessary to ensure the safety of residents and must do all they can to protect leaseholders from additional costs.”

But leaseholders need more than just words; they need action.

The Bill would give the Government the opportunity to do what is right. It would end uncertainty and the fear of ongoing fire-safety failures by requiring freeholders to carry out fire-safety remedial work. It would enforce the requirement through sanctions for freeholders who fail to act. It would create a loan scheme to assist freeholders in carrying out the work, which would ensure that costs would not be passed on to leaseholders. The Bill would end the year-long nightmare that many leaseholders have suffered. It would end their fear of living in unsafe buildings and ensure that those who are in no way at fault for these failures are not held liable for them. I commend the Bill to the House.

Question put and agreed to.

Ordered,

That Marsha De Cordova, Janet Daby, Emma Dent Coad, Preet Kaur Gill, Karen Lee, Thelma Walker, Rosie Duffield, Lloyd Russell-Moyle, Eleanor Smith, Hugh Gaffney, Anneliese Dodds and Chris Williamson present the Bill.

Marsha De Cordova accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 25 January, and to be printed (Bill 298).

OFFENSIVE WEAPONS BILL (PROGRAMME) (NO. 2)

Ordered,

That the Order of 27 June 2018 (Offensive Weapons Bill (Programme)) be varied as follows:

(1) Paragraphs (4) and (5) of the Order shall be omitted.
(2) Proceedings on Consideration and up to and including Third Reading shall be taken in one day in accordance with the following provisions of the Order.
(3) Proceedings on Consideration—
(a) shall be take in the order shown in the first column of the following Table, and
(b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

<table>
<thead>
<tr>
<th>Proceeding</th>
<th>Time for conclusion of proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Clauses, new Schedules</td>
<td>3.30 pm</td>
</tr>
<tr>
<td>and amendments relating to air weapons, firearms or ammunition</td>
<td></td>
</tr>
<tr>
<td>Remaining proceedings on Consideration</td>
<td>6.00 pm</td>
</tr>
</tbody>
</table>

Table

(4) Proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion at 6.00 pm.
(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 7.00 pm. —(Gareth Johnson.)

Offensive Weapons Bill

Consideration of the Bill, as amended in the Public Bill Committee

New Clause 2

REPORT ON THE USE OF AIR WEAPONS

“(1) The Secretary of State must, within 6 months of this Act receiving Royal Assent, lay a report before Parliament on the safe use of air weapons.

(2) The report under subsection 1 must consider, but is not limited to—
(a) whether existing legislation on the use of air weapons is sufficient;
(b) whether current guidelines on the safe storage of air weapons needs revising; and
(c) whether the current age restrictions surrounding the possession and use of air weapons are sufficient.”—(Karin Smyth.)

Brought up, and read the First time.

2.22 pm

Karin Smyth (Bristol South) (Lab): I beg to move, That the clause be read a Second time.

Mr Deputy Speaker (Sir Lindsay Hoyle): With this it will be convenient to discuss the following:

New clause 3—Controls on miniature rifles and ammunition—

“(1) The Firearms Act 1968 is amended as follows.

(2) Omit subsection (4) of section 11 (Sports, athletics and other approved activities).”

This new clause would amend the Firearms Act 1968 to remove the exemption on miniature rifle ranges, preventing individuals without a firearms certificate from being able to acquire and possess semi-automatic rifles without a check by the police.

New clause 4—Possession of component parts of ammunition with intent to manufacture—

“(1) The Secretary of State must, within 6 months of this Act coming into force 6 months) or to a fine or both.

(a) The person has in his or her possession or under his or her control the component parts of ammunition and,
(b) The person intends to use such articles to manufacture the component parts into ammunition.

(4C) A person guilty of an offence under subsection 4b is liable—

(a) On summary conviction—

(i) In England and Wales to imprisonment for a term not exceeding 12 months (or in relation to offences committed before Section 154(1) of the Criminal Justice Act 2003 comes into force 6 months) or to a fine or both.
(ii) In Scotland to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

(b) On conviction on indictment, to imprisonment for a term not exceeding five years to a fine, or to both.”

This new clause would create a specific offence for the possession of component parts of ammunition with the intent to manufacture, for all persons other than those registered as firearms dealer or holders of a firearms certificate authorising the type of ammunition being manufactured.
New clause 18—Offence of failure to store an air weapon in a locked cabinet—

“(1) A person commits an offence if they fail to store an air weapon in their possession in a locked cabinet.

(2) The offence in subsection (1) has not been committed if the person has the firearm with them for the purpose of cleaning, repairing or testing it or for some other purpose connected with its use, transfer or sale, or the air weapon is in transit to or from a place in connection with its use or any such purpose.

(3) For the purposes of this section, ‘air weapon’ has the same meaning as in section 1(3)(b) of the Firearms Act 1968.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

New clause 19—Sale of an air weapon without a trigger guard—

“(1) A person commits an offence if, by way of trade or business, they sell an air weapon that is not fitted with a trigger guard.

(2) For the purposes of this section, ‘air weapon’ has the same meaning as in section 1(3)(b) of the Firearms Act 1968.

(3) The Secretary of State may by regulations define ‘trigger guard’ for the purposes of this section.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”


Amendment 23, in clause 30, page 30, line 9, leave out from “rifle” to end of paragraph and insert

“, other than a rifle which is chambered for rim fire cartridges, which ejects an empty cartridge case using energy which comes (directly or indirectly) from propellant gas and subsequently chambers a cartridge by mechanical means through the operation of the firing trigger mechanism alone.”

Government amendments 27 to 33.

Amendment 24, in clause 31, page 31, line 9, leave out from “rifle” to end of paragraph and insert

“, other than a rifle which is chambered for rim fire cartridges, which ejects an empty cartridge case using energy which comes (directly or indirectly) from propellant gas and subsequently chambers a cartridge by mechanical means through the operation of the firing trigger mechanism alone.”

Government amendments 34 to 55.

Karin Smyth: I hope that this is third time lucky. I understand the difficulties that the Government are in, but our constituents, on whose behalf we speak, watch these proceedings with great interest and concern, often because it is their loved ones who have lost their lives or been injured. The postponement of this debate on Report has been unacceptable for them.

Having said that, I am pleased to have the opportunity to outline the importance of new clause 2, with which I simply seek to establish in law the requirement for the Department to publish a report on the safety of air weapons. Such a report is necessary because the statistics on air weapons offences are not routinely recorded and official data is difficult to find. The report would require the Department to assess the strength of existing legislation on the use of air weapons. An important aspect of the debate is licensing, to which I shall return in a moment. The report would also require consideration of the existing guidelines on safe storage, about which my right hon. Friend the Member for Delyn (David Hanson) will speak in more detail later. I thank him for his support and for the work that he has done on this issue previously.

The report would also force an assessment on the current age limits for the possession and use of air weapons, which we discussed in Committee. This is important, because young people are disproportionately victims of air weapons offences. I managed to obtain via the Library information that shows that a disproportionate number of 10 to 19-year-olds were victims of air weapons offences in 2017, considering their share of the population, but we need more detail.

The subject of licensing has come up in a number of debates over the years, including in this place and in Select Committee hearings, but there seems to have been a reluctance to push collectively for real change. The dangers posed by air weapons cannot be ignored; their misuse is a matter of public safety. That was the argument put forward by Members of the Scottish Parliament in 2015, when they voted to license air weapons. While others were perhaps doing other things during the conference recess, I went to the Scottish Parliament in Holyrood to hear the arguments for and against licensing and about the experience of it.

The logic for the system in Scotland seems straightforward: as a matter of public safety, only those who have good reason for using, acquiring, purchasing or possessing an air weapon ought legally to be able to obtain one. The Scottish police believe that the scheme has been a success thus far, with more than 21,000 weapons having been surrendered by owners. Some 24,000 licences were issued up to February this year. There is a cost of £72 per licence to cover the administration fee. The Scottish Government’s position is clear: those who have a legitimate use for an air weapon—including for sports and pest control—are not prevented from obtaining one. That gives important clarity to a subject that can be confusing. It sends a clear message that these weapons are not toys and capable of causing serious injury or even death. I simply ask the Minister whether he can demonstrate to me that my constituents in Bristol South are as safe from the misuse of air weapons as people in Scotland, where the guns are licensed.

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): I do not disagree with anything that the hon. Lady has said, but for the record, has the information from Scotland shown that there has been a decrease in the misuse of air weapons since the change to the law?

Karin Smyth: I cannot answer that question directly, but one issue in Scotland relates to the collection of data from the stable point and into the future. That is important to consider. If the police there see that one of these weapons is in the house when they go to a domestic abuse incident, for example, they can legitimately ask whether there is a licence for it. They have reported anecdotally—I am happy to get more figures—that they certainly feel that that has been helpful in such circumstances.

The Minister previously said that the Department’s response to the air weapons review will answer everything, but I am wondering whether the review that we have been seeking will ever see the light of day. The review closed more than nine months ago and, despite numerous assurances to many Members, we are still awaiting
its conclusions. We owe it to the victims of air weapons, and their families, to stop the Government kicking the issue into the long grass. It took the Scottish Government just a few months to consider the responses to their consultation on air weapons. We must now demand the same single-mindedness of our Government. I have here the documents, all the way from Scotland, should the Government wish to use them to make progress on the review and look seriously at licensing.

Mr Jonathan Djanogly (Huntingdon) (Con): I declare an interest: as set out in the Register of Members' Financial Interests, I am chairman of the British Shooting Sports Council, the umbrella body for British shooting organisations. I rise to speak to Government amendment 26 on .50 calibre rifles but, on behalf of British sports shooting people, I thank the Government for having listened and acted on this matter, and confirm the BSSC's wish fully to engage with the Government on getting the law right in this policy area. Having just listened to the hon. Member for Bristol South (Karin Smyth) talk about air rifles, I hope that the Government will learn from the debate on .50 calibre rifles. I agree that there are issues in respect of air rifles that need attention and clarification, but we should deal in a cautious and proper manner with the 3 million or so owners of such guns.

The proposal in the Bill to ban firearms with a muzzle velocity of more than 13,600 J, including .50 calibre guns, was not, under any interpretation of the facts, going to help the fight against crime. The guns are very expensive, costing around £20,000 each. They are therefore very few in number, with only 150 or so in private hands. They are extremely bulky, heavy at 30 lb and slow to load, with large, hand-loaded ammunition. In fact, one could hardly find a firearm less likely to be used in a crime. They are simply too big. That is probably why they have never been used in a crime in this jurisdiction.

2.30 pm

That needs to be considered against the wider perspective of the very small chance of people being murdered with legally owned guns. In 2017, for example, just nine people were killed by someone in legal possession of the murder weapon. That is nine people too many, of course, but it is a very small figure compared with deaths by illegal weapons. There has been a lot of confusing evidence about .50 calibres potentially being used as military-style “materiel destruction” rifles—for instance, by terrorists to shoot car engines. However, that would be possible only when used with armour-piercing or incendiary ammunition, both of which are already barred for civilian use. Not only is there no evidence of such firearms being used for criminal purposes in this jurisdiction, as recognised by the National Crime Agency, but to imply that the provision would make the public any safer from gun crime is, I believe, unrealistic.

Bob Stewart (Beckenham) (Con): I am trying to remember, but I think that .50 calibre weapons were used by terrorists in Northern Ireland, although I stand to be corrected.

Mr Djanogly: I believe that they have been, but I advisedly used “in this jurisdiction” for that purpose.

If we are to start banning things just because of the use to which they might be put, logic could dictate that all firearms should be used, as well as all knives. That is not my idea of a free society.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): Just to correct what our hon. Friend the Member for Beckenham (Bob Stewart) said, the weapons used in Northern Ireland were illegally imported into this country.

Mr Djanogly: I thank my hon. Friend for that important clarification.

The National Crime Agency position brief was received by the Library and heavily commented on by shooting experts across the board. The following points are based on their feedback. The NCA brief states that .50 calibre rifles

“are built around enormously powerful cartridges originally designed for military use on the battlefield and to have devastating effect”. That is true, but it is also true of one of the most common target rifles ever used, the .303 Lee Enfield rifle and one of the most common hunting rifles, the .308, which is also based on a military round. The current full bore civilian target shooting round, at 7.62 mm, is a military round often used in machine guns. The NCA brief further states:

The propellant mass in a standard M33 .50 calibre ‘ball’ round is nearly ten times as great as that in the standard ‘ball’ round used in the...Army’s primary battlefield rifle, the L85.”

However, that is simply disingenuous, as the 5.56 round used in the L85 is specifically designed to be light and to perform a totally different role from the .50 calibre rifle. In particular, that round is designed to enable large quantities to be carried by troops and is faster firing and easier to use at close quarters, but to say the L85 is any less dangerous as a result is bizarre.

The irony is that .50 calibre firearms could have their barrels shortened, thus taking them beneath the maximum velocity. The 13,600 J limit is entirely arbitrary, and many owners and manufacturers could simply adapt their guns down to the new limit. The NCA refers to recent seizures of guns, including fully automatic weapons, as showing that crime groups are seeking more powerful weapons, but the .50 calibre is not automatic and there is no evidence of crime gangs ever having wanted to use it.

There was also a failure to consider the historic arms position. People should have the right to engage in shooting sports, unless serious possible injury to the public can be proved. I am a Conservative, and Conservatives to my mind do not ban things for the sake of it.

Mr Steve Baker (Wycombe) (Con): It is about 20 years since I fired a .50 calibre. My hon. Friend is entirely right to talk about how large and inappropriate they are for crimes. I very much support the case that he is making.

Mr Djanogly: I thank my hon. Friend for that intervention.

It is unfortunate that this debate is not about the criminals whom we should be targeting, namely the owners of illegal guns that are being used for crimes, but about the law-abiding sporting men and women who would lose out for no good reason.
Chris Davies (Brecon and Radnorshire) (Con): I thank my hon. Friend for giving way and thank the Minister for seeing common sense and considering a consultation. I have a shooting range in my constituency. Does my hon. Friend agree that the majority of the totally law-abiding people using my range and others are primarily ex-servicemen and women or ex-policemen and women, and that it is important that they can continue doing what they do?

Mr Djanogly: I am not sure whether those people are primarily ex-servicemen and women, but I am sure that a lot of them shoot. A lot of children learn to shoot on the range in my constituency, which is an important part of the community that provides an important sporting outlet for disabled people, who cannot do other sports and hugely enjoy their shooting.

Huw Merriman (Bexhill and Battle) (Con): I thank my hon. Friend for giving way; he is being extremely generous. I would ask him to consider this scenario, which happened in my local shooting club. Somebody who was clearly quite troubled was able to book up all the shooting lanes and then held up the shooting range official, took the guns and murdered two women a mile away from my constituency border. My hon. Friend talks about the illegal versus the legal and about the risk being minimal, but when things go wrong, even in minimal-risk circumstances, it can have devastating impacts. That is why I find myself a little hesitant about what is now being changed.

Mr Djanogly: My hon. Friend makes a very fair point. Firearms are potential very dangerous things to use. I can only say to him that, as I said before, the number of legally owned weapons used in crimes is very limited, although that is not to say that we do not have a gun problem in this country. We certainly do, and we need to address it.

Bill Wiggin (North Herefordshire) (Con): As my hon. Friend the Member for Bexhill and Battle (Huw Merriman) said, my hon. Friend has been extremely generous in giving way. Guns are meant to be fatal if they are used properly. That is why they have to be protected with super-legislation—the toughest in the world—to ensure that the constituents of my hon. Friend are safe. Indeed, some of the vilification that I suspect my hon. Friend the Member for Huntingdon (Mr Djanogly) got was most unwelcome, because some of the effort that we went to with the tremendously helpful Minister was intended to seek further protection, so that the public were safer.

Mr Djanogly: I thank my hon. Friend for that important intervention. I can honestly say that I have never heard a Member of Parliament or anyone involved in the shooting fraternity say that we do not need very tough rules, but they must work and must be fairly applied.

Just as worrying to the shooting community is the “thin end of the wedge” effect. If we could ban a calibre that is not held illegally and has never been used in a crime, how much easier would it be down the road to ban calibres that have been held illegally and are frequently used in crimes? By picking on the seemingly easy target of only 150 gun owners, the unamended Bill would have undermined shooting sports in this country as a whole.

John Woodcock (Barrow and Furness) (Ind): Nuclear weapons have never been used for a crime, nor are they used in sport, yet they are not allowed to be held by civilians. I am trying to follow the hon. Gentleman’s logic, but I am afraid that I am struggling.

Mr Djanogly: I am afraid that I do not really understand the hon. Gentleman’s logic. I am talking about sports.

It was important and impressive that 74 hon. Members across the House signed the amendment tabled by my hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) to remove the .50 calibre provisions. The Government are to be congratulated on tabling their amendments.

Louise Haigh (Sheffield, Heeley) (Lab): May I begin by reiterating Labour’s support for the Bill? We gave our support on Second Reading and in Committee, but let me also say how disappointed we have been at the Government’s consistent mismanagement of this important legislation. This should have been a comprehensive and honest response to the horrifying surge in violence that we are seeing in every community in our country. Instead, it is a relatively meagre collection of proposals that, rather than being strengthened in making its way through the House, has been watered down, as the Government have rolled over in response to their Back Benchers.

It is deeply regrettable that the Bill before us is far less effective than what was presented on Second Reading and that, in the Government’s complete paralysis in the middle of Brexit negotiations in their own party, they have refused to listen to the voices of the most senior counter-terror and security experts in the country and instead have once again allowed ideology to win the day.

It is a very sad reflection on our times that matters of great public importance—no task is more important than the Government keeping their citizens safe—are being sacrificed at the altar of Brexit. We have offered our sincere and constructive support throughout the passage of the Bill, supporting the Government’s efforts to respond to the surge in violent crime. We offered our support in Committee and now on Report in their attempt to ban the .50 calibre rifle, but, unfortunately, once again they have proven themselves unable to govern in the national interest, in hock to a group of Members who are prepared to risk public safety.

Sir Geoffrey Clifton-Brown: On a point of order, Mr Deputy Speaker. As the lead signatory to the amendment that sought to remove these .50 calibre weapons from the Bill, the hon. Lady has implicitly accused me of endangering public safety. That is completely untruthful and unworthy, and she should withdraw her remarks.

Mr Deputy Speaker (Sir Lindsay Hoyle): I did not see that comment as a personal accusation. One thing is clear—the hon. Gentleman has certainly put his view on the record.

Louise Haigh: Later in my speech, I will come to exactly why we think the amendment that the Government have tabled will indeed risk public safety.

The Home Secretary said back in April that he wanted to bring forward an Offensive Weapons Bill within weeks and that if it achieved cross-party support, it would become law “very quickly”, making a “big difference”.

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Over the weekend in London and across the country, more lives have been taken in senseless violence. Thirty-seven children have been killed this year. How can it have been allowed that the already limited measures in the Bill have been held up three times now because of a fight over high-calibre rifles? It reflects very poorly on this Parliament.

I speak in support of new clauses 3 and 4 in my name, new clause 2 in the name of my hon. Friend the Member for Bristol South (Karin Smyth), and new clauses 18 and 19 in the name of my right hon. Friend the Member for Delyn (David Hanson). I will also refer to the amendments regarding .50 calibre rifles, with which the Labour party profoundly disagrees.

New clause 3 would bring miniature rifle ranges under the existing provisions of the Firearms Act 1968. It would remove a loophole in our decades-old firearms law that is providing easy access for non-firearms holders to get their hands on ammunition. Law enforcement officials have been clear on this. They have said in no uncertain terms that the exemption in section 11(4) of the Firearms Act is glaring and provides an easy route for terrorists and criminals to access firearms. This little-known exemption allows non-certificate holders to acquire and possess up to .23 calibre miniature rifles and ammo in connection with the running of a miniature rifle range.

Section 11(4) also allows a person claiming that they are running a miniature rifle range to acquire an unlimited number of .22 calibre rifles and ammunition without any background checks being completed or the police being made aware. In this context, the term “miniature rifle” is something of a misnomer. They are semi-automatic rifles and go far beyond that which is safe in the hands of a non-certificate holder. These are potentially lethal weapons, so this exemption is far too broad.

We are asking the Government to consider using this legislation to stop criminals having ready access to potentially lethal weapons. We were not at all convinced by the Minister’s justification in Committee and were staggered that she suggested that the Government had not been approached regarding this loophole, when they have been copied into the specific correspondence from counter-terrorism experts and the police. They simply cannot say they have not been warned. Will the Minister outline the Home Office’s thinking? Why does the Department believe, in the face of expert evidence, that this exemption does not pose a threat?

New clause 4, in my name and the name of the shadow Home Secretary, would make it an offence to possess component parts of ammunition with the intent to manufacture. Again, this has been explicitly recommended to us by the National Ballistics Intelligence Service, which said in Committee:

“There is a lack of control and legislation around purchasing and acquiring ammunition components. People can freely acquire all the equipment they need to make ammunition; the offence kicks in only once you have made a round.”—[Official Report, Offensive Weapons Public Bill Committee, 17 July 2018; c. 42, Q99.]

Senior law enforcement officials have said:

“the reality is that individuals are being found in possession of primers (for which there is no offence) cartridge cases (for which there is no offence), missiles i.e. bullets (for which there is no offence) and smokeless powder (which is technically a minor offence contrary to explosives regulations but rarely...prosecuted).”

The fact is that, unless complete ammunition is found, there is no prosecution despite very strong suspicion that someone is making ammunition to be used in criminality. This simply cannot be right. New clause 4 is an attempt, in the light of the growing threat picture from DIY ammunition making, to give law enforcement the tools needed to clamp down on this practice, which is undoubtedly raising the threat to the public from firearms.

2.45 pm

I turn to amendment 26. It is frankly staggering that we have arrived at this point. The Home Secretary’s clause was backed by the Opposition and could have passed easily through the Commons. He has not only caved in; he has gone a step further than even the rebels on his own Benches were suggesting. His amendments simply seek to preserve the status quo, leaving the security of these very dangerous weapons unchanged. In contrast to the suggestions from the hon. Member for The Cotswolds (Sir Geoffrey Clifton-Brown)—and, indeed, agreement from the shooting lobby—that security should be upgraded to level 3, meaning that the gun, the bolt and the ammunition should be in three separate safes, the Government are now proposing that security remain the same.

“...we based those measures on evidence that we received from intelligence sources, police and other security experts.”—[Official Report, 27 June 2018; Vol. 643, c. 918.]

Those are not my words, but the words of the Home Secretary on Second Reading. At what point did he no longer believe the evidence of intelligence, police and other security experts? At what point did he decide that the spectacle of a significant rebellion among Conservative Members was not worth the risk posed by these firearms? Given that so much attention has focused on the .50 calibre, is he satisfied that this amendment will also mean that two even more powerful rifles will now fail to be captured by this prohibition?

The 14 mm and 20 mm have been described by counter-terror police as effective Soviet anti-tank weapons. What on earth are this Government doing allowing these to be held by the licence-owning public? These two types are “significantly more powerful than other firearms permitted for civilian ownership under section 1 of the 1968 Act...the proposals were based on concerns about the potential for serious misuse of these weapons if they were to fall into the hands of criminals or terrorists.”—[Official Report, Offensive Weapons Public Bill Committee, 11 September 2018; c. 230.]

Again, these are not my words, but the words of the Minister in Committee. She told us then that the Government were considering other alternatives for enhanced security for storage and use, yet now we see a complete climbdown.

Bob Stewart: To the hon. Lady’s knowledge, have any of these heavier calibre weapons been used in criminality? If they have not, I am wondering what we are arguing about.

Louise Haigh: Twice in the last two years these guns have been found in the hands of criminals: once in the north, when the barrel was shortened and discovered in wasteland; and once when the weapons were found in the hands of a gun smuggler to organised criminal gangs.
Labour will vigorously oppose these amendments today and any attempt to weaken the already desperately weak provisions in the Bill. The measures contained in clause 30, which in effect ban the enormously powerful .50 calibre, 14 mm and 20 mm are necessary and proportionate. They have been backed up with expert justification of the risk assessments and we are convinced that that assessment has been made in good faith. We will not be playing politics with public safety.

Vicky Ford (Chelmsford) (Con): In my mind, I make a distinction between a legal gun owner and an illegal gun owner. In the two incidents that the hon. Lady described, were the guns held legally?

Louise Haigh: In one case, the weapon was held legally; in the other, it was held illegally. I hope that will help the hon. Lady make up her mind as to how she wishes to vote today.

There are many who seek to question the motives of the senior firearms officers who presented evidence to Parliament on the basis of an assessment of the facts. Those officers gave a reasoned, evidence-based analysis, and we are confident that they are not supporting anything that is not completely necessary to their work to keep us safe.

The hon. Member for Huntingdon (Mr Djanogly) made a point about ammunition. In fact, the user requirement for this gun for the military is a system that can immobilise a vehicle with all UK in-service .50 calibre ammunition—not exotic military ammunition at all. Mark Groothuis of Operation Endeavour, the counter-terror policing unit in the Met, told us:

“...My concern is that, if one of these guns were to be stolen... and if it were to get into terrorist hands, it could be very difficult to fight against or to protect against. There is very little—nothing, as far as I know—that the police service have that could go up against a .50 in the way of body armour or even protected vehicles.”—[Official Report, Offensive Weapons Public Bill Committee, 17 July 2018; c. 33, Q66.]

How is this a risk worth taking? This is a proportionate ban affecting weapons of staggering power. This is the most powerful weapon of its kind still available to the public.

The idea heard in some quarters that this is part of an overall assault on lawful gun-holders is simply nonsense. Last year, there were 157,581 firearms certificates covering over half a million weapons, and over half a million shotgun certificates covering more than 1 million shotguns. This amendment would affect 129 weapons. The truth is that the only way to protect the public from this weapon’s enormous power is to remove it from public hands altogether, and the Government have utterly failed in their duty to do so.

Several hon. Members rose—

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. We have lots of Members who wish to speak, so if we can be brief we can try to get in as many as possible.

Sir Geoffrey Clifton-Brown: I am very grateful. Mr Deputy Speaker, to catch your eye in this debate on this important Bill, which contains necessary provisions on the use of corrosive substances and on knives. I think the whole House would applaud that. What the Government should be doing, as I will demonstrate in the few words that I have to say, is acting on the basis of real evidence.

As the hon. Member for Bristol South (Karin Smyth) said, this is the third time that the Government have listed for debate this Bill’s remaining stages. For me, as the lead signatory to amendments trying to remove .50 calibre weapons from the Bill, this is third time lucky. After extensive negotiations with the Government, I persuaded them that there was, as I will demonstrate, no real evidence to ban these weapons, and that they should remove them from the Bill and have a proper evidence-based consultation as to whether these weapons do or do not form a danger to the public.

Mr Dominic Grieve (Beaconsfield) (Con): My hon. Friend may have seen that I sought to intervene on the shadow Minister on this earlier. He may wish to confirm that it is also the case that there are legitimate reasons for wishing to possess these weapons.

Sir Geoffrey Clifton-Brown: I am grateful to my right hon. and learned Friend. Of course, those who possess these weapons use them for entirely peaceful purposes. They are some of the most law-abiding people in this country. To ban these weapons on the basis of, as I will demonstrate, very little evidence, if any, is a completely illiberal thing for a Conservative, or indeed any, Government to do.

I thank my right hon. Friend the Home Secretary very much indeed for reviewing the evidence on these rifles. He listened to everything that I and other colleagues had to say. My amendments attracted no fewer than 75 signatures from across the House. I thank every single one of my colleagues who signed them. I particularly thank and pay tribute to the Democratic Unionist party of Northern Ireland, all of whose Members signed them.

There is very little evidence for banning these weapons. The press seemed somehow to think that my amendments were all about Brexit and assumed that all those who had supported them did so to achieve Brexit. Nothing could be further from the truth. We were genuinely—I speak as chairman of the all-party shooting and conservation group—trying to do the right thing by a group of citizens who, as I indicated to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), are some of the most law-abiding in the country.

Mr Djanogly: I just want to put it on the record that I support shooting and I supported getting rid of this clause, and I do not support Brexit.

Sir Geoffrey Clifton-Brown: Indeed. There will be lots of other colleagues who signed the amendments who are also of the remainder class. I do not agree with them, but I am nevertheless grateful to them for supporting my amendments.

Since the Bill was published, I have become aware that shooting associations have been concerned that the advice received by Ministers was not based on the facts but on a misrepresentation of target shooting. The consultation in advance of the Bill described .50 calibre single-shot target rifles as “materiel destruction” weapons. Nothing could be further from the truth. Civilian target
rifles fire inert ammunition at paper targets. Only the military possess materiel destruction weapons that fire explosive and armour piercing rounds—all illegal in this country for civilian use.

Much of the evidence given to the Public Bill Committee continued on this theme. These target rifles were described by those who advised the Government as “extreme” and “military”, and inaccuracy, exaggeration and misrepresentation were given full play to support the ban. Much of this was refuted by the shooting organisations. They pointed out that the National Ballistics Intelligence Service was mistaken in declaring that the effective range of these .50 calibre rifles is 6,800 metres. The actual effective range is much less than a third of this.

I want to go on to the National Crime Agency’s letter, which the Government seem to place such reliance on and which was placed in the Library of this House.

Jess Phillips (Birmingham, Yardley) (Lab): The hon. Gentleman may well be coming on to this, but I thank him for giving way. I wonder what evidence he wants if evidence from one of the most senior counter-terrorist police officers in our country is not good enough for him. I wonder why he feels that he may know more about these weapons than they do.

Sir Geoffrey Clifton-Brown: I greatly respect the hon. Lady, and if she will just be a little patient, I will give her exactly what she is asking me for.

The National Crime Agency wrote to the Home Secretary and the letter was circulated to MPs and placed in the Library. It was signed by Steve Rodhouse, the director general of operations at the National Crime Agency. The argument he used, essentially, is that these very powerful rifles might do serious damage. But the same could be said of most commonly used sporting rifles. Indeed, the most commonly used deer rifle in the UK is a .308 that could, and does, do lethal damage. As my hon. Friend the Member for North Herefordshire (Bill Wiggin) pointed out, that is what it is designed to do. It is designed to kill, and against which it is licensed to be used.

In the letter, Mr Rodhouse uses the words “military” and “extreme”. Nearly all calibres of commonly used civilian rifles originated as military rounds. He also quotes the MOD requirement for immobilising a truck at 1,800 metres. What he does not say is the round used, as I have said, is a high-explosive, incendiary and armour-piercing projectile. That is illegal for civilian use in the UK, where these rifles are used for punching holes in paper targets. It is as illogical to say that a civilian .50 calibre rifle should be banned because the Army uses it to fire at trucks as it would be to ban a .308 deer rifle because the Army uses the same calibre to fire at men. Equally, the residual strike of a .50 calibre bullet and the strike of a .308 bullet are both going to achieve the same end.

With regard to security, which was the basis of my original amendments, and to which I urged the Government to pay very close attention in their consultation, every firearms dealer in this country has to adhere to a level 3 security requirement, and the chief police officer of every police force that licenses every firearms dealer has to be satisfied that those requirements are in place.

Some firearms dealers carry weapons that are far more lethal than a .50 calibre weapon because they store them on behalf of the Army. I would suggest that level 3 security would have prevented at least one of these crimes because there would have been the necessary security involved to do that.

Bill Wiggin: I have been very upset to hear the nature of this debate, because the worst thing for any police officer must be to knock on someone’s front door to tell them that their loved one is a victim of crime. This is not a moment to play party politics at all. All guns are dangerous; all guns are for killing. These things are lethal; they require proper protections. My hon. Friend is absolutely right: what we all want to do is to make it as difficult as possible for these accidents to happen, and a ban is not the right way to achieve that.

Sir Geoffrey Clifton-Brown: I am grateful for your advice, Mr Deputy Speaker, but it is important, in view of what the hon. Member for Sheffield, Heeley (Louise Haigh) had to say, that I refute some of the facts that have been put about.

The figures for stolen firearms should be put into context, which Mr Rodhouse does not do. There are 2 million firearms in civilian hands. Up to July this year, only 204—I accept that that is 204 too many—had been stolen, and the vast majority were shotguns, not rifles. Only 1% of non-airgun firearms crime is committed with rifles, and none of those has ever been from a .50 calibre legal weapon.

The hon. Member for Sheffield, Heeley might be interested to know that Mr Rodhouse did not give the whole story regarding the case of the stolen .50 calibre weapon. The police dealing with the theft considered it opportunistic and that the .50 calibre was stolen with other firearms and not specifically targeted—[Interruption.] She should just listen for a minute. The .50 calibre was rapidly abandoned, and there is a suggestion that the police were told where to find it. All this points at the criminals finding the .50 calibre unsuitable for their purposes, and one can understand why—a single-shot rifle, requiring hand-loaded ammunition, weighing 30 lb and around 5 feet long, is very difficult to carry, let alone use in a criminal or terrorist incident.

The second case mentioned is the Surdar case. The whole point is that Surdar did not sell his legally held .50 calibre rifle to criminals; they did not want it. In the first case, level 3 security would have prevented a crime, and in the second case, it was a dealer who was not entirely above board.

Mr Rodhouse goes on to talk about the threat of illegal importations. That will not be cured by banning legally held guns. How many .50 calibre weapons have been seized as illegal imports? The answer is none. It is true that most UK firearms law is the product of outrage in the wake of atrocities such as Dunblane or Hungerford. At least legislators in those cases were
seeking to improve the law with clear evidence. Mr Rodhouse, on the other hand, is seeking to persuade Parliament to change the law in relation to .50 calibre weapons without any significant evidence whatsoever.

The Government’s original proposal was not supported by the evidence. We in this House have a duty to protect minorities and to ensure that we do not act illiberal by banning things when there is no evidence. I submit that the Government have done the right thing in withdrawing these weapons from the Bill and are right to have a properly evidence-based consultation, to which all experts, including the hon. Member for Sheffield, Heeley, can give evidence. If, at the end of it, the Government conclude that there is an issue of public safety, we will need to debate that further in the House. I rest my case.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is good to finally get down to further consideration of the Bill, at the third attempt. Let me say at the outset that my party welcomes the Bill. There has been close working between the UK and Scottish Governments in relation to it, and we are largely, but not completely, happy with where it has got to after a pretty thorough Committee stage.

The Bill covers a mixture of reserved and devolved matters, with legislative consent from the Scottish Parliament required for some parts of the Bill. How far the legislation should encroach on devolved issues such as Scots criminal law has been carefully worked through by the Governments to serve specific purposes, and we take the view that that is pretty much as far as the encroachment should go.

There are a number of amendments that I will speak supportively and sympathetically about and will not oppose, but in so far as they are drafted in a way that extends to Scotland, we ultimately take the view they would be better left to the Scottish Parliament to exercise its devolved competence. That includes the three new clauses relating to air weapons. I am sympathetic to what the hon. Member for Bristol South (Karin Smyth) seeks to achieve with those new clauses and the work she is doing, but as she pointed out, the regulation of such weapons was devolved to the Scottish Parliament, which has established a new licensing regime under the Air Weapons and Licensing (Scotland) Act 2015. For those reasons, as far as Scotland is concerned, we wish to leave any further reform of air weapons licensing and regulation to the Scottish Parliament.

There are other amendments, however, that are clearly in reserved territory and that we will consider supporting, including new clauses 3 and 4. For the sake of time, I will not repeat all the arguments made by the shadow Minister, the hon. Member for Sheffield, Heeley (Louise Haigh). I will simply say that we agree with her analysis.

On high-energy and .50 calibre rifles, having looked at all the evidence in the round, we would have supported the position set out by the Home Secretary and the Minister at every previous stage of the Bill’s passage. We echo much of what the shadow Minister has said today. In Committee, we heard persuasive evidence from the NCA, the National Police Chiefs Council, ballistics experts and counter-terrorism police about the power of these weapons. The evidence we heard was that these rifles are dangerous because of their range and because there is little—perhaps nothing—that the police have in the way of body armour or even protected vehicles that could go up against some of these weapons.

I emphasise that we are not in favour of prohibition for the sake of it. If those same expert witnesses think that an alternative solution to alleviate risk can be found, we will listen. We fully appreciate the impact that this would have on the recreation of a small number of citizens, but it is a small number; we are talking about 18 certificates in Scotland altogether.

The point is that the Home Secretary said he would further consider the proposed prohibition months ago on Second Reading, way back before the summer, yet no amendments were forthcoming before the previously scheduled final stages of the Bill. There has been no adequate explanation of what has changed in the past couple of weeks, and as matters stand, the Bill will leave this place with the prohibition removed but no alternative measures in its place.

The Home Secretary is now going against and ignoring the evidence we received from the NCA, the National Police Chiefs Council, ballistics experts and counter-terrorism police, as well as what I have been told by Police Scotland. I have tried, without success so far, to find out whether any of those witnesses has changed their view. In the absence of any adequate explanation, this reeks of internal party politics trumping important issues of public safety. It is not the right way to make legislation, and it is not the right way to treat the public.

Mr Baker: The purpose of my amendments 23 and 24 is to avoid banning lever-release rifles. They are probing amendments; I just wish to explore the Government’s position, and I do not intend to press them to a Division.

I would like to start by thanking Little Chalfont Rifle and Pistol Club and my constituents who are members of it for helping me better to understand lever-release rifles by allowing me to fire several of them. Lever-release rifles are built and designed in the UK. They have a mechanism by which the rifle unloads itself with propellant gas but stops short of reloading. In a sense, they are self-cocking, but not self-loading. A lever is pressed to release the working parts and load the next round. My amendments would allow lever-release rifles but ban so-called MARS—manually activated release system—rifles, which allow the working parts to come forward using a second trigger press.

The lever-release mechanism was produced within current firearms law to be suitably used and owned on a section 1 firearms licence. These rifles are a valuable resource for disabled and elderly shooters in particular, who can struggle with conventional operating actions, and are no more dangerous than any other legally owned firearm of a similar calibre. The mechanism is not a bump stock, which has no place in target shooting; there seems to be unity about that.

The National Rifle Association has provided evidence that lever-release systems do not significantly increase the rate of fire capability of rifles. Lever-release rifles have a comparable rate of fire to bolt-action rifles—that is, one to two rounds per second, against one or less with a bolt-action rifle. Those rates of fire are based on un-aimed shots. In reality, the rate of fire for aimed shots, including the time taken to come back to aim and replace magazines, will yield an aimed shot about every
two to four seconds in the hands of an expert marksman, regardless of the system used. I can certainly testify to that, having tried them. They have considerable recoil, and the idea of having a high rate of fire with aimed shots is really for the birds.

The lever-release system can allow an able-bodied shooter to maintain their firing position, assisting accuracy in a sport that is defined by accurate shooting. According to British Shooting, disabled people currently make up 25% of recreational shooters—a number that it is committed to increasing further. The NRA has informed us that 42.5% of its members are aged 60 or older. Lever-release rifles can allow less able people to continue to participate in the sport.

It seems unnecessary to ban lever-release rifles. My amendments would ban so-called MARS firearms, where the trigger is pulled a second time. I would like the Minister to set out in detail why owners will be stripped of those firearms.

Finally, in the original impact assessment, published alongside the consultation document, the Government estimated the total cost of compensation for the owners of these firearms to be between £1 million and £1.1 million in the first year of the policy. Responses to the consultation suggest that this was a considerable underestimate, and I very much hope that the Minister will be able to give us a new and more accurate estimate of the cost of the compensation.

David Hanson (Delyn) (Lab): I wish to speak in support of new clause 2, in the name of my hon. Friend the Member for Bristol South (Karin Smyth), and new clauses 18 and 19, which I tabled for the House to consider today.

I confess that I would not have tabled new clauses 18 and 19 had we had some clarity from the Government on the consultation on air weapons. Members will recall that the Government were asked to undertake a consultation on air weapons safety by the West Suffolk coroner on 10 October 2017 and that the Government announced a consultation on air rifle legislation on 12 December 2017. It closed on 6 February 2018, to which as I recall—on 20-something November 2018—we still have not had a response, despite some 50,000 consultation responses.

The reason why I want this to be looked at is quite clear and quite tragic. My constituent George Atkinson was killed by an air rifle in a tragic accident at a cousin’s house some years ago. The air rifle in the house was not locked in a cabinet, and George had access to it. Playing with air rifles, as I did myself in my own house as a child, resulted in George’s accidental death, and his family had the tragedy of losing their 13-year-old son.

John and Jane Atkinson, George’s parents, have campaigned very strongly to try to get some measure of safety added to air rifles. They are not against the use of air rifles as a whole, but they want some safety measures added. The figures back up their concerns. We have seen some 25 cases of serious injury from air rifles this year and 288 cases that resulted in slight injury, while air rifles have been used in some 2,203 incidents—not just accidents, but deliberate use—involving offences in 2016-17.

The legislation—this is where I hope my two new clauses will come in—is currently the Firearms Act 1968, which says that it is an offence for a person in possession of an air weapon to fail to take reasonable precautions to prevent someone under the age of 18 from gaining unauthorised access to it. However, it does not define what reasonable precautions are in relation to protection for individuals.

As I have said, my constituents, although they have lost their son, do not wish to see airguns banned; they wish to see them made safer. My new clauses would do two things. The first new clause would ensure that airguns had to be kept in a lockable cabinet at home, with the key kept separate from the cabinet. If that had been in place, it would accordingly be an offence if the cabinet was accessed. There has to be a lockable cabinet.

The second new clause shows that we want trigger guards to be added to air rifles that, again, are only accessible by the owner of the air rifles. That does not prevent anybody from owning an air rifle or using an air rifle, or impose legal requirements on using one for sport or any other purpose. However, the new clauses would put in place two significant measures that would strengthen the Firearms Act and make the reasonable precautions measurable. Without measurable reasonable precautions, nobody can say what a reasonable precaution is.

For the memory of children and young people such as George Atkinson, it is important that we seek to have reasonable precautions. I want to hear from the Minister whether she will look at and support new clauses 18 and 19, and when she expects to respond to the consultation. Will she take on board those two suggestions, and, ultimately, not ban such weapons, but—perhaps as part of the wider examination mooted in new clause 2, moved by my hon. Friend the Member for Bristol South—look at what measures we can take to make them safer?

Gavin Robinson (Belfast East) (DUP): Does the right hon. Gentleman recall that when the firearms legislation was revised in 2002, just before he became a Northern Ireland Minister, it brought anything firing a projectile with over 1 kJ of energy within the ambit of a firearms certificate? That distinguishes between airsoft and air rifles, so every air rifle in Northern Ireland has to be on a firearms certificate. That does not ban them, but it brings in the security protections and measures that he has outlined.

3.15 pm

David Hanson: I am grateful to the hon. Gentleman for reminding me of the proposals that were brought in for Northern Ireland.

New clauses 18 and 19 are reasonable. A lockable cabinet and a lockable trigger guard will ensure that children and young individuals, who do not realise the potential power of these weapons, have more difficulty accessing weapons whose legal owners may currently
keep them in an unlocked cabinet and without a trigger guard. I think the Minister needs to look at this, and I hope that she will support the new clauses. If she will not do so, I hope for a good explanation why not.

**Huw Merriman:*** I wish to speak to Government amendment 26 and other related amendments. I had not intended to speak, but I feel duty bound to do so. Some time back, when the proposal to ban .50 calibre weapons came to the fore, like many of my Conservative colleagues, I wrote to the Minister to ask for the evidence base for it. The response I got back did not ultimately persuade me that there was such an evidence base. I think of myself as a libertarian, and if we are going to ban anything, there needs to be a justification for doing so. I was very much part of raising that query and concern.

I absolutely supported the amendment tabled by my hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown), which would have tightened up some of the rules around gun clubs with regard to these weapons. I am speaking in order to do almost an about-turn—I touched on this in my intervention during my hon. Friend’s speech—and this has really come to light for me. The issue is not so much about the .50 calibre weapons. I take the point, and it is well made, that one would not be able to remove and use this type of weapon in such a way; they are used for a specific purpose. None the less, if we are not careful with our gun clubs and do not make sure that the rules are tight, there will be situations where there are breaches that have tragic consequences. I want to reference what I touched on in my intervention.

I will run through the exchange that happened during the court process. Mr Craig Savage, the constituent I referred to—in fact, this happened just into a neighbouring constituency—managed to book his local gun club. It is the same one that has written to me to try to persuade me that there was such an evidence base. I take the point, and it is well made, that one would not be able to remove and use this type of weapon in such a way; they are used for a specific purpose. None the less, if we are not careful with our gun clubs and do not make sure that the rules are tight, there will be situations where there are breaches that have tragic consequences. I want to reference what I touched on in my intervention.

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**Mark Garnier (Wyre Forest) (Con):*** I refer the House to my entry in the Register of Members’ Financial Interests. Does my hon. Friend not agree—I am aware of the point he is about to make—that gun clubs provide a sport that is gender-blind, ability-blind and age-blind, and that target rifle shooting is one of the most egalitarian sports available?

**Huw Merriman:*** My hon. Friend is absolutely right. Gun clubs do, indeed, provide such a sport. I will suggest to the Minister where we can support them in their endeavours and actually make things better. Quite frankly—and gun clubs are aware of this as well—if they do not fulfil their role in a safe and secure manner, they know full well that it will be very hard for us, as their representative MPs, to justify their continued existence.

I want to take the House through the transcript involving the defendant and 1066 Target Sports. The defendant had asked whether he and a friend could book a live fire at 6.30 pm on the Friday. In one email, he asked whether it was busy during that time, and he later took up the offer of booking out all the lanes so that he and his friend “could have the place to ourselves”.

I am sure colleagues are wondering why, at this point, nobody smelled a rat. The next day, he emailed to say that his friend had dropped out and he would have to “swing back another time”.

The defendant arrived at the complex at about 5 pm on the Friday of the shooting and was met in reception by Mr Graves, the deputy manager. Mr Graves said that the defendant had mentioned that he had had prostate cancer and did not have much time to live. During the live firing he spoke about religion and rifles, and he made reference to “police-assisted suicide” and wanting to be “remembered as a man”. The defendant then went to the toilet. While the deputy manager was reloading, the defendant returned, wrestled the gun away, aimed it at his chest and said, “I will not hurt you, but I will need you to open the door”, which he duly did.

The defendant then made the 10-minute journey to Bexhill Road, where at 7.40 pm Raven Whitbread, her mother Heather Whitbread and her sister Michelle Savage were sitting in the lounge relaxing and eating a meal. Suddenly the defendant smashed through the window. Raven was told by her sister and mother to hide, as she was seven months pregnant. Raven said that she saw Craig Savage standing over her sister, and then she saw her body jolt. She ran into the annexe to call the police. Her mother was shot dead thereafter.

That is what happens if we do not get this right. People lose their lives in tragic situations because sometimes we too blindly see the risks as being so small that they will not occur. But when the law is broken, tragic events occur and people lose their lives. I think that we are duty bound not to say that the risks are so small that we should not control legitimate behaviour. We should ensure that those risks are minimised even further, and reduced to zero if possible.

I am asking the Minister whether we can look at gun clubs to ensure that they are made more secure, along the lines that my hon. Friend the Member for The Cotswolds talked about, and really to look at a wholesale review and reform of gun clubs. If we do—I will tell my local gun club this—I just cannot support them.

**John Woodcock:*** I will keep my remarks brief, as you have requested, Madam Deputy Speaker, because we are shortly to vote. That was a brave speech by the hon. Member for Bexhill and Battle (Huw Merriman). I hope that the Minister would accept that I am prepared to support the Government when they do the right thing on national security, and that therefore it is not out of overt partisanship that I think this cave-in is truly shameful.

I feel sorry for the Minister, because I think that it is the Home Secretary, or indeed the Prime Minister, who should really be here to account for why they are now disregarding all the advice they have received from the police and intelligence officials and caving in to—I have to say it—the backwoodsmen and, occasionally, women of their own party, rather than seeking to govern in the national interest on security. There was a way here whereby a Government who either had a level of authority or were prepared to reach across the House to do the right thing on national security could have got a clear majority for this important measure.

The threat of terrorism in this country is growing. It is inadequate, and potentially morally bankrupt, simply to say that because there has not been an attack recently, since the IRA threat, then there will not be one in future.
Mark Garnier rose—

John Woodcock: No, I am not going to give way.

We know that the terror threat is growing. The Government received clear advice that these—

Vicky Ford: Will the hon. Gentleman give way?

John Woodcock: No, I am not going to give way to the hon. Lady, who I am afraid will say anything that the Whips tell her to say. If the Whips had told her to say the opposite, she would absolutely have said the opposite. [ Interruption. ] Well, okay then, if she wants to tell me why—

Vicky Ford: Why? Three years ago, almost to the day, more than 100 young people were killed in an attack on a Paris theatre. It was our Prime Minister who called for reform of European gun law, and I was the Member of the European Parliament who led that reform. This is a Government who are committed to the highest standards of gun control across Europe. If we are to continue that, we have evidence-based legislation that directs the gun controls at the right organisations. That is why I will be supporting the Government today.

John Woodcock: Well, I have to say that the hon. Lady would be supporting the Government whatever their position was. I thank her for the intervention, however, because it does make an important point. The Prime Minister, as a former Home Secretary, does understand the threat, so the fact that the Government are doing the wrong thing because of party interest is shameful.

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): I thank all Members across the House for their passionate and heartfelt views on these important topics. I welcome the indication from the shadow Minister that the Bill continues to have the support of the Opposition.

The first duty of Government is to keep the public safe. That is why we have brought the Bill forward, to give the police and other agencies the powers they need to tackle serious violence and crime. But it is the definition of democracy that Government must meet that duty in ways that are effective but also proportionate. We have some of the strongest gun laws in the world, particularly for rapid-fire rifles. My hon. Friend the Member for Wycombe (Mr Baker) has indicated that his amendment is intended to be probing. However, those rifles remain in the Bill because we are concerned that they can discharge rounds at a rate that brings them much closer to self-loading rifles, which are already prohibited for civilian ownership under section 5 of the Firearms Act 1968. Indeed, that appears to be one of the selling points for such rifles. We have therefore included them in the Bill, because we are of the view that the indiscriminate use of rapid-firing rifles, including lever-action rifles, is such that they should be prohibited in the same way as other full-bore, self-loading rifles. I understand that my hon. Friend the Member for Wycombe has raised the issue of disabled shooters. Of course that is part of our assessment, but we are satisfied that there are other rifles that those with disabilities can use if they are prevented from using these rifles.

Let me move on to air rifles. I know that the hon. Member for Bristol South (Karin Smyth) and the right hon. Member for Delyn (David Hanson) have run long campaigns on air rifles. I hope that they both know that we have conducted this review following the coroner’s report into the terrible and very sad death of Benjamin Wragge, a 13-year-old boy who was shot accidentally with an air weapon in 2016. As I said in Committee, we received more than 50,000 representations from members of the public, and the issues raised by the new clauses tabled by the hon. Lady and the right hon. Gentleman will be considered in that specialist review, which will be published shortly. I therefore ask them not to press their new clauses to a vote.

I want to make a small point that might assist the right hon. Member for Delyn in deciding whether to press new clause 19 to a vote. The new clause refers to trigger guards, rather than trigger locks. I understand that he wants to look at locks. At the moment, air weapons are fitted with trigger guards. But I am happy to have a conversation with him, and with any other Member, about the applicability of locks as part of the review process.

On Government amendments 26 to 55, I recognise the very, very strong feelings across the House. I spoke at the beginning about the balancing act—indeed, it is a discussion we had constantly in Committee—between effectiveness and proportionality. We saw that today, let alone on Second Reading and in Committee, in relation to clauses 30 and 31. The clauses were included in the Bill to strengthen the controls on high muzzle energy rifles. They are currently controlled under general licensing arrangements. The effect of the clauses would be to subject those rifles to the more rigorous controls provided by section 5 of the 1968 Act. This was because our law enforcement colleagues have concerns as to the potential effect if these rifles fall into the wrong hands. Our strong gun laws mean that those who shoot in the countryside or at ranges have met the standards expected in firearms licensing and by their local police force.

Gavin Robinson: I know the Minister has had extraordinary tension over this issue and has engaged very sincerely on it over the course of the Bill’s proceedings. I commend her commitment to public safety—I think unfair comments have been made today. I recognise, as a signatory of the amendment—others have signed it as well—that there is a willingness to engage sincerely in the consultation that she will bring forward to deal with this in the appropriate way.

Victoria Atkins: I thank the hon. Gentleman for that intervention. He mentions the consultation, so I should formally mention our consideration of all the concerns we have listened to. The Home Secretary has listened very carefully to those concerns, as well as to the representations and advice from law enforcement colleagues. In the light of those circumstances, it is now the Home Secretary’s view that we should give further detailed consideration to this and other issues relating to firearms that have arisen during the course of the Bill. It is therefore our intention to launch a full public consultation on a range of issues on firearms safety that have arisen over the past few months during the passage of the Bill. Accordingly, we have decided to remove those clauses at this stage. I emphasise that the current licensing
arrangements remain in place. The consultation will include other issues that have arisen, including for example, points relating to miniature rifle ranges raised by colleagues across the House, including my hon. Friend the Member for Bexhill and Battle (Huw Merriman).

3.30 pm
Debate interrupted (Programme Order, this day).
The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the clause be read a Second time.

Question put (single Question on amendments moved).

The House divided:
Ayes 309, Noes 274.

Division No. 269] [3.31 pm

AYES

Adams, Nigel
Afolami, Bim
Afrejiev, Adam
Aldous, Peter
Allan, Lucy

See the explanatory statement for Amendment 26.

See the explanatory statement for Amendment 26.

See the explanatory statement for Amendment 26.

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See the explanatory statement for Amendment 26.

See the explanatory statement for Amendment 26.

See the explanatory statement for Amendment 26.

See the explanatory statement for Amendment 26.

Schedule 2

Consequential Amendments Relating to Sections 30 and 31

Amendments proposed: 43, page 40, line 23, leave out “(ag)”.

See the explanatory statement for Amendment 26.

Amendment 44, page 40, line 24, leave out “(ea)”. See the explanatory statement for Amendment 26.

Amendment 45, page 40, line 27, leave out “(ag)”. See the explanatory statement for Amendment 26.

Amendment 46, page 41, line 1, leave out “(ea)”. See the explanatory statement for Amendment 26.

Amendment 47, page 41, line 4, leave out “(ag)”. See the explanatory statement for Amendment 26.

Amendment 48, page 41, line 5, leave out “(ea)”. See the explanatory statement for Amendment 26.

Amendment 49, page 41, line 8, leave out “(ag)”. See the explanatory statement for Amendment 26.

Amendment 50, page 41, line 12, leave out “(ea)”. See the explanatory statement for Amendment 26.

Amendment 51, page 41, line 19, leave out “(ag)”. See the explanatory statement for Amendment 26.

Amendment 52, page 41, line 20, leave out “(ea)”. See the explanatory statement for Amendment 26.

Amendment 53, page 41, line 22, leave out “(ag)”. See the explanatory statement for Amendment 26.

Amendment 54, page 41, line 26, leave out “(ag)”. See the explanatory statement for Amendment 26.

Amendment 55, page 41, line 38, leave out “(ea)”. See the explanatory statement for Amendment 26.
Tellers for the Ayes:

Amanda Milling and Rebecca Harris

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NOES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tonya
Ashworth, Jonathan
Bailey, Mr Adrian
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Belts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Brady, Mr Ben
Brake, rh Tom
Brennan, Kevin
Brook, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burton, 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
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Coaker, Vernon
Cofey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowen, Ronnie
Coyle, Neil
Craskby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Craddock, Jon
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
Davey, rh Sir Edward
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

David, Wayne
Davies, Geraint
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
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliot, Julie
Ellman, Dame Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Fellows, Marion
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, 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
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike

Hiller, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hogdson, Mrs Sharon
Hollett, Kate
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Hug, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham
P
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Khan, Azfal
Killen, Ged
Kinnoch, Stephen
Kyle, Peter
Laid, Lesley
Lake, Ben
Lamb, rh Norman
Lavery, Ian
Law, Chris
Lee, Karen
Leslie, Mr Chris
Lewis, Clive
Lewis, Mr Ivan
Linden, David
Lloyd, Stephen
Lloyd, Tony
Lucas, Caroline
Lucas, Ian C.
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, Stuart
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
Mclnes, Liz
McKinnell, Catherine
McMahon, Jim
Mearns, Ian
Milliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
O’Mara, Jared
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamar, Kate
Owen, Albert
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
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
Stringer, Graham
Sweeney, Mr Paul
Tami, rh Mark
Thewliss, Alison
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Turley, Anna
Turner, Karl
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie

28 NOVEMBER 2018
Madam Deputy Speaker (Dame Rosie Winterton): I have now to announce the result of today’s deferred Division in respect of the question relating to child support. The Ayes were 310 and the Noes were 230, so the Ayes have it.

[The Division list is published at the end of today’s debates.]

I beg to move, That the clause be read a Second time.

Victoria Atkins: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Dame Rosie Winterton): With this it will be convenient to discuss the following:

Government new clause 17—Search for corrosive substance on school or further education premises.

New clause 1—Protection for retail staff—

‘(1) A person (“the purchaser”) commits an offence if they intentionally obstruct a person (“the seller”) in the exercise of their duties under section 1 of this Act.

(2) In this section, “intentionally obstruct” includes, but is not limited to, a person acting in a threatening manner.

(3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.’

New clause 5—Prohibition of bladed product displays—

‘(1) A person who in the course of a business displays a bladed product in a place in England and Wales or Northern Ireland is guilty of an offence.

(2) The appropriate Minister may by regulations provide for the meaning of “place” in this section.

(3) The appropriate Minister may by regulations make provision for a display in a place which also amounts to an advertisement to be treated for the purposes of offences in England and Wales or Northern Ireland under this Act—

(a) as an advertisement and not as a display, or
(b) as a display and not as an advertisement.

(4) No offence is committed under this section if—

(c) the bladed products are displayed in the course of a business which is part of the bladed product trade,
(d) they are displays for the purpose of that trade.
(e) the display is accessible only to persons who are engaged in, or employed by, a business which is also part of that trade.

(5) No offence is committed under this section if the display is a requested display to an individual age 18 or over.

(6) The appropriate Minister may provide in regulations that—

(a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
(b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010), excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;

(7) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
(b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or to both.

(8) In this section and section [Search for corrosive substance on school or further education premises]—

“corrosive substance” means a substance that is capable of burning human skin by corrosion;

“further education premises” means land used solely for the purposes of—
(2) The report under subsection 1 must consider, but is not limited to,
(a) The effect of the reduction in police numbers on the levels of youth violence with offensive weapons;
(b) The effect of the reduction in public spending on—
(i) children's services,
(ii) Sure Start,
(iii) state-maintained schools,
(iv) local authorities,
(v) youth offending teams,
(vi) Border Force, and
(vii) drug treatment programmes.
(3) The report under subsection 1 and the considerations under subsection 2 must consider the benefits of the public health approach to violence reduction.
(4) The report must contain all departmental evidence held relating to subsection 2 and 3.

This new clause would require the Secretary of State to review the causes behind youth violence with offensive weapons.

New clause 7—Offence of threatening with an offensive weapon—

'(1) Section 1A of the Prevention of Crime Act 1953 (offence of threatening with offensive weapon in public) is amended as follows.
(a) After "Offence of threatening with offensive weapon" leave out "in public".
(b) In subsection 1(a), after "weapon" leave out "with him or her in a public place".
(c) In subsection 3, after "section" leave out "public place" and "offensive weapon" have and insert "offensive weapon has"

This new clause would mean that threatening with an offensive weapon anywhere would be an offence, not merely in a public place.

New clause 10—Threatening with a bladed article or offensive weapon in a dwelling—

'(1) Section 139AA of the Criminal Justice Act 1988 (offence of threatening with blade or point or offensive weapon) is amended as follows.
(2) After subsection 12 insert—

13 Where the threatening offence takes place in a dwelling, a person charged with this offence may rely on the defence available in a "householder case" set out in section 76 of the Criminal Justice and Immigration Act 2008.

14 In subsection 13 above, "dwelling" has the meaning given in section 76 of the Criminal Justice and Immigration Act 2008.

New clause 11—Threatening with a bladed article or offensive weapon in a dwelling (No.2)—

'(1) A person commits an offence if they threaten a person with a substance they claim or imply is corrosive.
(2) It is not a defence for a person to prove that the substance used to threaten a person was not corrosive or listed under schedule 1 of this act.
(3) In this section, "threaten a person" means—
(a) that the person un-lawfully and intentionally threatens another person ("A") with the substance, and
(b) does so in such a way that a reasonable person ("B") who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.'

New clause 15—Offence of threatening with blade or offensive weapon (No.2)—

'(1) Section 139AA of the Criminal Justice Act 1988 (offence of threatening with blade or point or offensive weapon) is amended as follows.
(2) In subsection 1(a), after "applies" leave out "with him or her in a public place or on school premises".

(3) Omit subsection 2.
(4) Omit subsection 3.
(5) Omit subsection 5.'

This new clause would mean that threatening with a knife anywhere would be an offence, not merely in a public place or school/further education premises.

New clause 20—Offence of threatening with a non-corrosive substance—

'(1) A person commits an offence if they threaten a person with a substance they claim or imply is corrosive.
(2) It is not a defence for a person to prove that the substance used to threaten a person was not corrosive or listed under schedule 1 of this act.

(3) In this section, "threaten a person" means—
(a) that the person un-lawfully and intentionally threatens another person ("A") with the substance, and
(b) does so in such a way that a reasonable person ("B") who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.'

New clause 21—Prohibition on the possession of a corrosive substance on educational premises—

'(1) A person commits an offence if that person has a corrosive substance with them on school premises, further education premises or higher education premises.
(2) It shall be a defence for a person charged with an offence under subsection (1) to prove that they had good reason or lawful authority for having the corrosive substance on school premises, further education premises or higher education premises.
(3) Without prejudice to the generality of subsection (2), it is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they had the corrosive substance with them for use at work.
(4) Without prejudice to the generality of subsection (3), it is a
defence for a person charged with an offence under
subsection (1) to show that they had the corrosive substance with
them for use at work.

(5) A person is to be taken to have shown a matter mentioned
in subsection (4) or (5) if—
(a) sufficient evidence of the matter is adduced to raise an
issue with respect to it, and
(b) the contrary is not proved beyond reasonable doubt.

(6) A person guilty of an offence under subsection (1) is
liable—
(a) on summary conviction in England and Wales, to an
imprisonment for a term not exceeding 12 months, to
a fine, or to both;
(b) on summary conviction in Northern Ireland, to
imprisonment for a term not exceeding 6 months, to
a fine not exceeding the statutory maximum or to both;
(c) on conviction on indictment, to imprisonment for a
term not exceeding 4 years, to a fine or both.

(7) In relation to an offence committed before the coming into
force of section 154(1) of the Criminal Justice Act 2003 (maximum
sentence that may be imposed on summary conviction of offence
triable either way) the reference in subsection (7)(a) to 12 months
is to be read as a reference to 6 months.

(8) A constable may enter any school, further education premises
or higher education premises and search those premises and any
person on those premises, if they have reasonable grounds for
suspecting that an offence under this section is, or has been,
committed.

(9) If, in the course of a search under this section, a constable
discovers a corrosive substance they may seize and retain it.

(10) The constable may use reasonable force, if necessary, in
the exercise of entry conferred by this section.

(11) In this section—
“corrosive substance” means a substance which is
capable of burning human skin by corrosion;
“school premises” means land used for the purpose of
a school, excluding any land occupied solely as a
dwelling by a person employed at a school;
“school” has the meaning given by—
(a) in relation to land in England and Wales, section
4 of the Education Act 1996;
(b) in relation to land in Northern Ireland, Article 2(2)
of the Education and Libraries (Northern Ireland)
Order 1986 (SI 1986/594 (NI 3)).
“further educational premises” means—
(a) in relation to land in England and Wales, land used
solely for the purposes of—
(b) in relation to Northern Ireland, land used solely
for the purposes of an institution of further
education within the meaning of Article 2 of
the Further Education (Northern Ireland)
Order 1997 (SI 1997/1772 (NI 15)) excluding
any land occupied solely as a dwelling by
a person employed at the institution”.
“higher education premises” means an institution
which provides higher education;
“institution” includes any training provider (whether
or not the training provider would otherwise be
regarded as an institution);
“higher education” means education provided by
means of a higher education course;
“higher education course” means a course of any
description mentioned in Schedule 6 to the Education
Reform Act 1988”.

(3) A person guilty of an offence under subsection (1) is
liable—
(a) on summary conviction in England and Wales, to an
imprisonment for a term not exceeding 12 months, to
a fine or to both;
(b) on summary conviction in Northern Ireland, to
imprisonment for a term not exceeding 6 months, to
a fine not exceeding the statutory maximum or to both;
(c) on conviction on indictment, to imprisonment for a
term not exceeding 4 years, to a fine or both.

(4) In relation to an offence committed before the coming into
force of section 154(1) of the Criminal Justice Act 2003 (maximum
sentence that may be imposed on summary conviction of offence
triable either way) the reference in subsection (7)(a) to 12 months
is to be read as a reference to 6 months.

New clause 23—Advertising offensive weapons online—
‘(1) A person or company commits an offence when a website
registered in their name is used to advertise, list or otherwise
facilitate the sale of any weapon listed in Schedule 1 of the
or any offensive weapon capable of being disguised as something
else.

(2) No offence is committed under this section if—
(a) the website removes the advertisement or list within
24 hours of the registered owner of the website being
informed that the advertisement or list includes a
weapon listed in Schedule 1 of the Criminal Justice
or any offensive weapon capable of being disguised as
something else.'
(3) The registered owner of a website that is guilty of an offence under subsection (1) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;

(b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the standard scale.'

New clause 24—Enforcement—

'(1) It shall be the duty of every authority to which subsection (4) applies to enforce within its area the provisions of Clauses 1, 3, 4, 17 and 20 of this Bill.

(2) An authority in England or Wales to which subsection (4) applies shall have the power to investigate and prosecute for an alleged contravention of any provision imposed by or under this section which was committed outside its area in any part of England and Wales.

(3) A district council in Northern Ireland shall have the power to investigate and prosecute for an alleged contravention of any provision imposed by or under this section which was committed outside its area in any part of Northern Ireland.

(4) The authorities to which this section applies are—

(a) in England, a county council, district council, London Borough Council, the Common Council of the City of London in its capacity as a local authority and the Council of the Isles of Scilly;

(b) in Wales, a county council or a county borough council;

(c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(1);

(d) in Northern Ireland, any district council.

(5) In enforcing this section, an enforcement authority must act in a manner proportionate to the seriousness of the risk and shall take due account of the precautionary principle, and shall encourage and promote voluntary action by producers and distributors.

(6) Notwithstanding subsection (5), an enforcement authority may take any action under this section urgently and without first encouraging and promoting voluntary action if a product poses a serious risk.'

New clause 25—Investigatory powers for trading standards—

'(1) Schedule 5 of the Consumer Rights Act 2015 is amended in accordance with subsection (2).

(2) In Part 2, paragraph 10, at end insert—

"section (Enforcement)".'

This new clause is consequential on NC24

New clause 26—Aggravated offence of possessing a corrosive substance or dangerous knife—

'(1) A person is guilty of an aggravated offence of possessing a corrosive substance in a public place if—

(a) they commit an offence under section 6 of this Act, and

(b) at the time of committing the offence, the offender was—

(i) the driver of a moped or motor bicycle, or

(ii) a passenger of a moped or motor bicycle.

(2) A person is guilty of an aggravated offence of possessing certain dangerous knives if—

(a) they commit an offence under section 1A of the Restrictions of Offensive Weapons Act 1959, as amended, and

(b) at the time of committing the offence, the offender was—

(i) the driver of a moped or motor bicycle, or

(ii) a passenger of a moped or motor bicycle.

(3) A person guilty of an aggravated offence under this section is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding two years, to a fine or both;

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding two years, to a fine or both.

(4) For the purposes of this section, "moped" and "motor bicycle" have the same meanings as in section 108 of the Road Traffic Act 1988.'

New clause 30—Review of the Act—

'(1) The Secretary of State must, within one year of this Act receiving Royal Assent, appoint an independent person to conduct an annual review of the provisions contained in this Act and the effect those provisions have had on crimes involving offensive weapons.

(2) The review under section 1 must consider, but is not limited to—

(a) the impact the provisions on corrosive substances have had on crimes involving these substances, and whether these provisions are still adequate;

(b) the impact the provisions on firearms have had on crimes involving these weapons, and whether the provisions are still adequate;

(c) whether existing police funding is sufficient to ensure the adequate enforcement of the provisions of this Act and offences relating to offensive weapons; and

(d) anything else the Secretary of State, or independent person appointed to conduct the review, thinks appropriate.

(3) The annual review under section 1 must be laid before both Houses of Parliament.'

New clause 31—Amendments to the Crossbow Act 1987—

'(1) The Crossbow Act 1987 is amended as follows.

(2) After section 1 insert—

"1A Requirement of crossbow certificate

(1) Subject to any exemption under this Act, it is an offence for a person to have in their possession, or to purchase or acquire, a crossbow to which this section applies without holding a crossbow certificate in force at the time, or otherwise than as authorised by such a certificate.

(2) It is an offence for a person to fail to comply with a condition subject to which a crossbow certificate is held by them.

(3) This section applies to crossbows with a draw weight of which is to be determined in regulations designated by the Home Secretary, following consultation with—

(a) the National Police Chiefs’ Council;

(b) any other person or body the Home Secretary may deem necessary.”

(3) After section 1A insert—

"1B Application for a crossbow certificate

(1) An application for the grant of a crossbow certificate must be made in the form prescribed by regulations issued by the Home Secretary to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.

(2) A crossbow certificate shall be granted where the chief officer of police is satisfied that—

(a) the applicant is fit to be entrusted with a crossbow to which section 1 of this Act applies and is not a person prohibited by this Act from possessing such a crossbow;

(b) that he has a good reason for having in his possession, or for purchasing or acquiring, the crossbow in respect of which the application is made; and

(c) in all the circumstances the applicant can be permitted to have the crossbow in his possession without danger to the public safety or to the peace.”
Amendment 1, in clause 18, page 17, line 44, at end insert—

‘(4A) It is a defence for a person charged with an offence under section 17 to prove that they reasonably believed that the buyer bought the bladed product for use for decorating purposes.’

Amendment 2, page 18, line 24, at end insert—

‘(10) For the purposes of this section a bladed product is used by a person for decorating purposes if and only if the product is only used to make improvements, enhancements or repairs to real property or personal property.’

Amendment 4, in clause 23, page 23, line 8, after “further education premises” insert

“and higher education provider premises”

Amendment 5, page 23, line 10, after “further education premises” insert

“and higher education provider premises”

Amendment 7, page 24, line 8, at end insert—

‘(7A) After subsection (6A) insert—

(6B) In this section “higher education provider” means an institution which provides higher education; “institution” includes any training provider (whether or not the training provider would otherwise be regarded as an institution); “higher education” means education provided by means of a higher education course; “higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988”.

Amendment 6, page 24, line 11, after “further education premises” insert

“and higher education provider premises”

Government amendments 57 to 61.

Amendment 22, in clause 25, page 26, line 41, leave out “the purpose only of participating in religious ceremonies” and insert “religious reasons only”

This amendment extends the defence to cover the possession of a ceremonial Sikh Kirpan for religious reasons on occasions other than religious ceremonies.

Amendment 17, page 28, line 28, leave out clause 28

This amendment, along with Amendments 18 and 19 would retain the current definition of risk for the existing offences in Section 1A of the Prevention of Crime Act 1953 and Section 139AA of the Criminal Justice Act 1988, and for the new offence in Clause 29.

Amendment 11, page 29, line 6, leave out clause 29

This amendment would mean that threatening with a knife anywhere would be an offence, not merely in a public place or school/further education premises.

Amendment 18, in clause 29, page 29, line 14, leave out “(A)”

This amendment, along with Amendments 17 and 19 would retain the current definition of risk for the existing offences in Section 1A of the Prevention of Crime Act 1953 and Section 139AA of the Criminal Justice Act 1988, and for the new offence in Clause 29.

Amendment 19, page 29, line 16, leave out from “that” to the end of line 18 and insert

“there is an immediate risk of serious physical harm to that person”

This amendment, along with Amendments 17 and 18, would retain the current definition of risk for the existing offences in Section 1A of the Prevention of Crime Act 1953 and Section 139AA of the Criminal Justice Act 1988, and for the new offence in Clause 29.

Amendment 10, in clause 39, page 35, line 34, after “section” insert “17(3B),”.

Government amendments 25, 62 and 63.

Victoria Atkins: This group of new clauses and amendments deals with matters on which I know there is a great deal of agreement across the House. I will
Jim Shannon (Strangford) (DUP) rose—

Victoria Atkins: May I make a little more progress?
In relation to the issue of a private place, it will become an offence to threaten someone with a corrosive substance on educational premises, for example, a point raised under new clause 22 by the right hon. Member for East Ham (Stephen Timms). This provides for a maximum penalty of four years, in line with the maximum penalty for the public offence and considerably more than the current six-month maximum for a threat that amounts to common assault, which is the offence that may be charged currently.

The Government amendment would avoid householders having to justify owning their kitchen knives—again that demonstrates the balancing exercise we have had to do in this Bill. It targets the criminality that my hon. Friend wants to address while denying my fellow lawyers the chance to argue about possessing domestic implements, a sentiment I know my hon. Friend will endorse. New clause 17 will provide the necessary powers to enter and search for a corrosive substance on school and further education premises in support of the new offence.

Government amendment 25 simply sets the extent of the new offence as England and Wales, but I know my hon. Friend and others are keen to ensure that householders who have to defend themselves against burglars are not caught inadvertently by this new offence. That is not the intention of the Government, or I suspect the House, if this new offence is passed. The new offence is designed to capture perpetrators who have no recourse to the well-established defences of self-defence, defence of another and defence of property.

Jim Shannon: I thank the Minister for giving way. The Minister said that the corrosive substances offence applies only to England and Wales, but I understand that some of the legislation applies to Northern Ireland. Can the Minister confirm either now or later that this legislation, which we welcome and wish to see, can be applicable in Northern Ireland under the rules and laws we have there as well?

Victoria Atkins: The hon. Gentleman is absolutely drawing me into the incredibly complex area of applicability in Northern Ireland. He is right that many of the measures in the Bill have corresponding provisions for Northern Ireland, but I am sure that in due course I will be able to help the House with the particular point on corrosive substances, if I may return to that.

Gavin Robinson: The Minister will see in the Bill that for the specific provisions in clauses 1 to 4 it is for a newly appointed Minister of Justice in Northern Ireland to bring forward an order on the day that they so appoint.

Victoria Atkins: The hon. Gentleman is absolutely right.
I hope that this new offence will attract widespread support across the Chamber. It recognises that some threats in private can be very serious indeed. I will therefore ask my hon. Friend the Member for Shipley not to press his amendments and I commend to the House new clauses 16 and 17 and amendment 25.
Philip Davies (Shipley) (Con): I thank the Minister very sincerely for the way she has engaged in this issue. Clearly it was a ridiculous loophole that the offence of threatening somebody with a knife applied only in a public place and not in a private place, and I am delighted that the Minister listened to the argument and engaged with it and has brought forward these new clauses today, which I will happily support. On that basis I am very happy to confirm to her that I will not press my new clauses in this regard.

Victoria Atkins: I am very grateful to my hon. Friend and thank him again for his help not just on this but on a drafting correction that we made in the Bill Committee.

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): He is always helpful.

Victoria Atkins: My colleague sitting next to me is quite right: my hon. Friend the Member for Shipley is always helpful.

Government amendments 56, 62 and 63 are minor amendments and have been included at the request of the Scottish Government. It is fair to say, as I said in Committee, that my officials have had a good working relationship with the Scottish Government on this Bill. These new amendments are intended to facilitate the operation of the new offences within the Scottish legal system. Under the Criminal Procedure (Scotland) Act 1995 provision is made for matters of routine evidence in criminal proceedings. These provisions operate so as to allow to be admitted into evidence certain routine matters by virtue of a certificate provided by an authorised expert. That means that if the accused person does not provide at least seven days’ notice of an intent to challenge the evidence prior to trial it is admitted without any further proof being necessary. Given that many prosecutions in this area may be at summary court level, requiring expert testimony in these cases as a matter of course would be unduly expensive, so these amendments will ensure that the new corrosive offences included in the Bill are subject to the existing matters of routine evidence provisions.

Amendments 57 and 58 will limit the new offence of possession of an offensive weapon in section 141(1A) of the Criminal Justice Act 1988 to possession “in private”. That is to prevent overlap with existing offences. In shorthand, the aim of clause 24 is to prohibit the possession in private of offensive weapons as defined by section 141 of the Criminal Justice Act 1988—for example, zombie knives. Amendments 57 and 58 clarify this to mean in private, because it is already against the law to possess any bladed article—which is obviously wider than the definition of offensive weapons—under section 139 of the 1988 Act.

The approach that we have taken to the new possession offence in the Bill is to mirror the defences that already applied to the manufacture, importation, sale and general supply of curved swords. The burden of proof for the defences that apply to the current legislation for manufacture and so on is to show that the defence applies. Therefore the burden of proof for the defences provided for the new possession offence in the Bill will also be to show that the defence applies. However, the burden of proof for the defence in relation to possession of an article with a blade in public is to prove, which is a higher burden, so to avoid inconsistency we are limiting the new possession offence in the Bill to places other than a public place. In this way, we will continue to rely on existing legislation for possession in public, and the new possession offence in the Bill will apply only in private.

I shall turn now to amendments 59 and 61, and to the Opposition’s amendment 22. Amendments 59 to 61 clarify the wording of clause 25 so as to include “religious reasons”, rather than “religious ceremonies”. I am grateful to the hon. Member for Birmingham, Edgbaston, the right hon. Member for Wolverhampton South East (Mr McFadden) and my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), who tabled amendment 22 and worked with me and my officials to get the law into a better place. This included facilitating discussions with representatives of the Sikh Federation last week, and it was a pleasure to meet them. We can now ensure that the Bill does not inadvertently prohibit the possession and supply of kirpans as part of the observance of the Sikh faith.

Ruth Cadbury (Brentford and Isleworth) (Lab): I should like to thank the Minister for her response to the amendment on the possession of the kirpan, the religious sword that is used by Sikhs. My hon. Friend the Member for Feltham and Heston (Seema Malhotra) and I represent a large Sikh community, and they have been very concerned about the omission in the Bill. We would also like to congratulate the all-party parliamentary group for British Sikhs on the work that it has done, and we thank the Minister and the Secretary of State for their willingness to listen and to act on behalf of the Sikh community.

Victoria Atkins: I thank the hon. Lady for that intervention. I want to make it clear that it was never the Government’s intention to worry anyone or inadvertently to criminalise acts of faith in that way. I hope that the Sikh community and those who represent them understand that we did this with the very best of intentions.

Mr Pat McFadden (Wolverhampton South East) (Lab): I should like to thank the Minister for the open, listening approach that she has taken in response to representations from myself, my hon. Friend the Member for Birmingham, Edgbaston (Preet Kaur Gill), the right hon. and learned Member for Beaconsfield (Mr Grieve), the Sikh Federation and others who have contacted her. Can she clarify that the effect of the Government amendments to the Bill will be to maintain the status quo as far as Sikh religious practice is concerned? That is all that the community were asking for throughout this process, and if that is what the amendments will do, I believe that they will be warmly welcomed.

Victoria Atkins: I am happy to confirm that. The original wording mirrored the wording used in existing legislation for offences in public, but we have of course understood that praying at home, for example, may not fall within the definition of ceremony. We do not want to leave any doubt or room for worry; we are amending the Bill to enable prayers and so on at home to continue.

4 pm

Mr Jim Cunningham: The Minister has been very generous in giving way. May I identify myself with my colleagues in support of the amendment? Like them, I have been approached by the Sikh Federation, and when I referred earlier to the knives issue, I was not referring to the federation and its members’ religious practices; I was talking about crime and so on.
Victoria Atkins: Of course. I am sure that everyone who works in this complex area has sympathy with the hon. Gentleman in wanting to clarify the point he raised in his earlier intervention.

As the Government have tabled amendments 59 to 61, I hope that the hon. Member for Birmingham, Edgbaston will not press amendment 22.

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op) indicated assent.

Victoria Atkins: I shall move on to new clause 1. The right hon. Member for Delyn (David Hanson) continues to raise the issue of the safety of retail staff, and I thank him for that. Indeed, I recently discussed that issue with him, and also with the head of the British Retail Consortium. Although the Government fully understand the concern of retailers and their staff about being threatened or attacked if they refuse to sell a corrosive product or bladed article to a member of the public, we do not believe that a new criminal offence as set out in new clauses 1 and 14 would provide additional protection or result in more people being prosecuted. The law already provides the police and Crown Prosecution Service with sufficient powers to prosecute this type of offending and provide protection to retail staff. A number of criminal offences are available to cover a wide range of unacceptable behaviour, including that described in the tabled amendments, ranging from abusive and threatening language to actual violent offences against the person. So, we submit that there is no gap.

Gloria De Piero (Ashfield) (Lab): A group of women shopworkers came to see me because of regular threatening behaviour by a gang of youths. These women were afraid and fearful, especially when they had to work alone. We have an opportunity today to strengthen the law; it clearly needs strengthening. We should do so.

Victoria Atkins: I am extremely concerned to hear that, but I wonder why the local police are not using the powers already available to them, because if a gang is behaving like that, there are offences that would enable the police to deal with that threatening behaviour, and any violent acts.

The Sentencing Council has set out, in its definitive guideline on assault offences, that it is an “aggravating factor” for an offence to be committed against those who are either working in the public sector or providing a service to the public, and an offence against either group could result in a more severe sentence within the statutory maximum for the offence—and that includes retail and shop staff.

However, there is more to this than the shape of the legislation, as I am sure the right hon. Gentleman would agree. That is why, in October 2017, the National Police Chiefs Council—with the support of Home Office funding—launched the national business crime centre, a repository for good practice, standards and guidance for all business nationally. It also acts as a national alert and data feed service, to enable businesses to have more information regarding crime in their local area.

David Hanson: If all the Minister says is true, why has every retail organisation in the country, and the Union of Shop, Distributive and Allied Workers, argued in favour of new clause 1, which I shall be moving shortly?

Victoria Atkins: They are of course free to do so, but we have looked carefully at the law. However, I chair the national retail crime steering group, which brings retailers and police together to tackle retail crime, and I am happy to ask the police, in that forum, why retailers feel this way.

Lyn Brown (West Ham) (Lab): If the Minister genuinely does not want to frustrate the content of new clause 1, could she not simply accept it given that there is genuine concern out there that, currently, the law does not go far enough?

Victoria Atkins: I know this will not meet with the approval of Opposition Members but, having looked very carefully at it, we have not been able to identify a gap in the law, which is why, regrettably, I cannot accept new clause 1. We encourage closer local partnerships between police and retailers so that better crime prevention measures are put in place, because that must be a factor. We want to ensure that local police respond effectively to reported crime.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): The reality on the ground, and USDAW and the Co-op Group have been clear about this, is that the police do not consider offences such as shoplifting, and all the things that go on around it, seriously enough even to turn up at a store to take a statement. It is a fact that shop workers at the tills are the ones enforcing the law; it clearly needs strengthening. W e should do so.

Victoria Atkins: Of course, anyone working on the frontline deserves our support. The criminality the hon. Gentleman describes, such as shoplifting, is already enforced, so the discussion should be about local policing priorities. If he writes to me with particular instances in his constituency, I am very happy to raise it through the national retail crime steering group.

Toby Perkins (Chesterfield) (Lab) rose—

Victoria Atkins: A lot of Members are seeking to intervene, and I will give the hon. Member for Chesterfield (Toby Perkins) a chance.

Toby Perkins: The hon. Lady is very kind. She says that she will speak to her committee of retail representatives about why they feel this is necessary, but should she not have done that before rejecting the amendment? It is clear that they are saying it is necessary, so it is a little late for her to say she will vote against the amendment while saying she will start consulting on it.

Victoria Atkins: As part of our discussions—I not only include myself but Home Office officials—of course we talk about the safety of retail staff. As I said, I had a meeting very recently. It is not a question of just starting now; we are aware of these concerns. Of course, hon. Members voicing those concerns in the Chamber gives me and my officials more material to ask the National Police Chiefs Council what is happening on this and whether there is more that can and should be done at local level.
Jim McMahon: I appreciate the Minister’s courtesy in allowing me to come back. The reality is that serious violent crime, organised crime and online crime, and the proliferation of knife crime, takes up a significant amount of police time. In Greater Manchester we have lost 2,000 frontline officers, so it is not right for the Government who have made those cuts and made that decision to put the pressure back on Greater Manchester police to maintain a police service with diminishing resources when crime is going up. It just is not correct. She has an opportunity to respond to the debate, to respond to new clause 1 and to show that we are sticking up for shop workers. It is not good enough to defer responsibility on this.

Victoria Atkins: Forgive me, but it is not a question of deferring responsibility. It is the responsibility of the local police and crime commissioner and the chief constable, under our system of policing, to decide local policing priorities. That is why we had the police and crime commissioner elections a couple of years ago.

The right hon. Member for Delyn (David Hanson) is assiduous in his parliamentary questions to me about retail crime, but if hon. Members have concerns that retailers and retail staff in their local area are not being looked after, I encourage them to take it up with their police and crime commissioner, because it really is their decision as to how local resources are prioritised.

Vernon Coaker (Gedling) (Lab): Does the Minister not realise quite how this looks? Shop workers across the country—in every part of the country, every constituency and every region—the frontline workers, their union and the police are saying, “We do not need consultation; we need a change in the law to protect us.” What the Minister is saying, and I say this with respect, is that she and her officials know better. I say we should listen to what the shop workers of this country are telling us and mend the gap in the law.

Victoria Atkins: I do listen—I must disagree with the hon. Gentleman on that. The point I am making is that the laws that can protect shop workers are already in place, because we hope that that will address the criminality, because those laws are already in place. There are public order offences, so where someone is rude or abusive, that is a criminal offence already. Our job here is to make law, but this is also sometimes about how it is applied on the ground, and that is what I am talking about. I am talking about saying to the NPCC and others, “What’s happening on these concerns colleagues are raising about how retail workers are being treated in their shops?” I know that this is an important issue, not only to Labour Members, but to my colleagues and to me. That is why if we can do nothing else, we should get the message out there that the law already exists to protect shop workers. We should focus on how that is pushed and put into effect.

Susan Elan Jones (Clwyd South) (Lab): rose—

Victoria Atkins: I am just about to move on to the next topic, but of course I will give way.

Susan Elan Jones: I am grateful to the Minister for that. Does she realise that many shop workers across the country are scared to death about all this? They are scared to death of knives being pulled on them. This is no longer just a problem in our inner cities; it goes right across the country. This is happening in rural areas and in small towns. My view is that we need to make the legislation as strong as possible, not just to protect the shop workers, but to send a message to people out there that this is a really serious issue.

Victoria Atkins: I completely agree that we need to communicate the fact that the behaviour the hon. Lady described is utterly unacceptable, but she has given the example of a knife being pulled on a shop worker and legislation is already in place to deal with that. Furthermore, the independent Sentencing Council, which sets the guidelines for the judiciary across the country, has said that in that scenario the fact that the knife was pulled on a person in their line of work can be an aggravating factor. So the law is already there and we just need to make sure it is being used as effectively as possible, not just by our police, but by our judiciary.

On the point about serious violence more generally, the hon. Lady will know that we published the serious violence strategy in April. It has marked a step change in how we tackle serious violence, because we acknowledge that serious violence is no longer restricted to our large urban centres and is spreading out across the country, particularly with the rise of county lines. She will know that one of the drivers behind this rise in serious violence is drugs—the drug markets. A great deal of work is being done just on that one stream to tackle that.

For example, a couple of weeks ago we held an international conference, drawing together law enforcement and public health officials from across the world to talk about the rise in serious violence, because this is happening not only in the UK, but in other countries. From that conference, which I was able to attend, although sadly just for a little while, we could see the lessons that we can learn from other policing experts across the world and from public health officials. That is also why the Home Secretary has announced recently that we are looking into a consultation on making tackling serious violence a public health duty for local authorities—all arms of the state. That goes further than the models in Scotland and in Wales, which are often rightly cited as good examples, because we want to look into whether having a public duty will help with the sharing of information and the working together. Those of us who served on the Public Bill Committee and those of us who take a particular interest in this topic know that these things do not always work as well as they should.

Vicky Foxcroft (Lewisham, Deptford) (Lab): Interestingly, the Minister said that the Home Secretary has talked about adopting a public health approach—I believe that was at the Conservative party conference. Since then we have heard absolutely nothing in this Chamber about what is happening on the public health approach. I believe I have asked nine times in this Chamber when we will be getting a debate on this. I do not suppose the Minister would like to respond to that now.

Victoria Atkins: The hon. Lady asked me about this at the last Home Office orals and I said I would be delighted to debate with her. She has asked this in business questions, and my right hon. Friend the Leader of the House has written to me and to the Home Secretary.
I am keen to have the debate, which I think is really important, and the Whip, my hon. Friend the Member for Chippenham (Michelle Donelan), has heard this exchange, so who knows what opportunities may be made available.

4.15 pm

For all the bustle and tussle in the Chamber, there is broad cross-party agreement on this issue. Short-term measures need to be taken, but much longer-term measures are also required, which is why we have announced the setting up of a £200 million endowment fund that will be able, over 10 years, to invest in projects using a much longer-term model than is necessarily the case now. I hope it will be able to do some quite innovative work and to do some work to help young people to avoid getting ensnared by criminal gangs.

Lyn Brown rose—

Victoria Atkins: I give way to the hon. Lady, whom I am tempted to call an hon. Friend because she and I have discussed this issue so often.

Lyn Brown: I am delighted that the Minister modelled this part of the Bill on my asks on acid crime. I know that she will have studied my 5 September speech really closely to see our other asks on this issue. When might she find the time to introduce a strategy to deal with the violent crime that is rising from the county lines experience across the country and that will literally join up all the cross-Government actions that have been taken to deal with it?

Victoria Atkins: I pay tribute to the hon. Lady and her constituency neighbour, the right hon. Member for East Ham (Stephen Timms) have done a great deal on not only county lines but on corrosive substances. I know that if she had got that figure wrong, I am sure I will be corrected by the Minister correctly, the key thing that new clause 16 does is to fill that gap to cover threatening behaviour in a private place makes it possible to address the most vulnerable in his constituency, and he has hit the nail on the head. Filling that gap to cover threatening behaviour in a private place makes it possible to address the sort of situation that he has described. Where gangs for, for example, the importation of counterfeit cigarettes, because that is what we could get them on. We suspected that they were importing other things, because if they had the lines open to import one type of illicit material, it followed that they probably had the ability to important other illicit materials. Sadly, as we get better at identifying modern slavery, we know that that can also include people.

Let me turn to new clause 5, which deals with an important area that colleagues across the House have expressed interest in.

Richard Graham (Gloucester) (Con): If I have understood correctly, the key thing that new clause 16 does is to fill a gap in the law to cover things that happen in private properties, such as the flat in lower Westgate Street in Gloucester, where one of my hapless constituents was murdered precisely because of an argument over drug selling receipts. Can the Minister confirm that police and others would have powers under new clause 16 to move much earlier against the sort of threat that might arise in that situation?

Victoria Atkins: Indeed, and I thank my hon. Friend for being kind enough to show me his great city only a few months ago. We met with senior police officers and others to discuss a number of issues relating to vulnerability, including the vulnerability of those being stalked. He brings to the Chamber his commitment to helping the most vulnerable in his constituency, and he has hit the nail on the head. Filling that gap to cover threatening behaviour in a private place makes it possible to address the sort of situation that he has described. Where gangs are in somebody’s home, perhaps at a party, and things turn nasty, the location of the person holding the knife changes under the current law depending on where they are in relation to the front door. The purpose of new clause 16 is to make it irrelevant whether their threatening behaviour takes place when they are standing on one side of the front door or the other.
[Victoria Atkins]

New clause 5 concerns the secure display of bladed products. The hon. Member for Sheffield, Heeley, who tabled it, knows that I have taken great interest in this area. We have looked carefully at whether prohibition as set out in the new clause would address the concerns that she and others have rightly raised. Our concern is that the prohibition is a blanket requirement. I have looked into whether there are ways that we could make it more targeted, so that councils with a particular problem with knife crime can lay an order covering the display of bladed products in shops in their locality. What we are doing—not what we would like to do, but what we are in the process of doing—is encouraging much stronger voluntary action by retailers to take more robust measures on displays using a risk-based approach.

Louise Haigh: The Minister is absolutely right that new clause 5 would impose a blanket ban on retailers displaying bladed products, but the Government are proposing a blanket ban on the sale of bladed products to residential premises. Why is it one rule for online and another for face-to-face retailers?

Victoria Atkins: We are indeed introducing a blanket ban on the delivery of bladed products to homes, first because we know that test purchases online have not led to the sort of results that we have seen with retailers. We wanted to close that gap and make it clear to online retailers, some of which do not seem to understand that they currently are not allowed to sell bladed products to under-18s and should have robust measures in place to ensure that they do not. The Bill seeks to re-emphasise that, but we also want to ensure that the person picking up the knife has to go to a post office, delivery depot or local shop with such arrangements and show identification to establish that they are over 18. That is the purpose behind those measures.

We do not currently have evidence of the rate of shoplifting of knives by young people who go on to use them in crimes. That is part of the problem. As a first step, my officials are working with retailers to come up with a much stronger voluntary response, which we know retailers are responding to well, because, in fairness, the voluntary commitments have been working well.

Bob Stewart: When packages are delivered to post offices to be picked up, are they clearly marked, “This is a knife”, or does the post office official know that it is a knife so that it cannot be given to someone under the age of 18?

Victoria Atkins: The conditions in the Bill require those who are selling such products to make it clear on the packaging.

Mr Clive Betts (Sheffield South East) (Lab) rose—

Anna Turley (Redcar) (Lab/Co-op) rose—

Alex Chalk (Cheltenham) (Con) rose—

Victoria Atkins: Oh, gosh. I am going to try to finish my speech by 4.30 pm, so I will give way to the hon. Member for Redcar (Anna Turley) because she has tabled amendments to which I will not have time to speak.

Anna Turley: I appreciate the Minister’s generosity. I hope to speak to those amendments but if time eludes me, fair enough; that is why I want to raise this issue now. Have the Government done an impact assessment of the implications of these measures for online retailers? I speak on behalf of a constituent who runs a DIY shop, and thinks that the implications would be in the region of £30,000 if he was unable to sell wallpaper scrapers and specific DIY knives to residential addresses.

Victoria Atkins: The hon. Lady’s constituent will be able to sell the products. We are not banning the online sale of bladed products; we are making it clear that retailers have to conduct proper checks as to the age of the person to whom they are selling. They should be doing that at the moment anyway, and this legislation means that they will also have to package the items up as they do if they are selling online or at a distance. The point is that the package has to be labelled, and that it will then be kept at the post office or wherever before being picked up by a person with ID.

Mr Betts: Sheffield is obviously the home of knives in this country—knives for proper purposes. I visited Taylor’s Eye Witness, a firm in my constituency that manufactures and wholesales knives. As it is a wholesaler, 10% of its business is by post, passing things on through other retailers. It says that that aspect of its business is threatened by this legislation. Will the Minister consider amendment 9 in the name of my hon. Friend the Member for Sheffield Central (Paul Blomfield), suggesting a trusted trader scheme, to see whether the requirements of this measure could at least be reduced for trusted traders? This business employs 60 people, whose jobs could be at risk.

Victoria Atkins: Of course I acknowledge the great history of Sheffield as the centre of knife making in this country and, dare I say it, across the world. We have looked very carefully at the trusted trader amendments, but we believe they would introduce more bureaucracy for retailers, which is why we do not support them. This is simply a matter of conducting checks, and then the grown-up who is buying their kitchen knife going to a post office and showing their ID to prove that they are in compliance with the law.

Alex Chalk rose—

Victoria Atkins: I will take one more intervention because I have promised that I will finish at 4.30 pm.

Alex Chalk: The Minister is extremely kind. Although I and, I dare say other hon. Members, can understand the public interests of this proposal entirely, retailers would want to be satisfied that there is a level playing field, so that overseas retailers importing knives into the UK are governed by the same rules, and that they are not going—if this is not too much of a pun—to undercut domestic suppliers.

Victoria Atkins: I am grateful to my hon. Friend because he has identified one of the problems with which we grappled in Committee. The Bill includes a clause specifically for overseas sales. The requirement is that any delivery company that enters into a contract with an overseas retailer or manufacturer must itself conduct the checks as to the age of the person to whom it is delivering. Arguably, the checks are more arduous on delivery drivers for overseas retailers than
for UK-based retailers. He will understand that, if a retailer resides in China, there is very little we can do to require it to comply with these laws, but we have tried to address that point.

I hope and believe that the Bill addresses the concerns that have been raised about the sale and delivery of corrosive products, the possession of corrosive substances, the sale and delivery of knives and so on. I will listen with interest during the rest of this debate because hon. Members have tabled several interesting amendments. I hope that I have answered their concerns with regard to the amendments and new clauses I have spoken on thus far, but I may seek to address one or two amendments at a later stage if there are particular questions they would like me to answer.

4.30 pm

David Hanson: I rise to speak to new clause 1. I say to the Minister straightforwardly that I think she has missed the point on this. We are trying to strengthen the Bill to protect retail staff who are upholding the law. I support the Government’s position in relation to the banning of sales to under-18s of corrosive products and the restrictions on sales of knives. However, the question is whether it is right that those who hold stocks of those items are accordingly prosecuted if they sell them.

The key question for this House is: what about the people who are at the frontline in upholding the law through enforcing this legislation? Under this Bill, in the case of refusal to sell corrosive products and knives, it will not be the police or the security services, police community support officers or police and crime commissioners, or the local council or trading standards who are at the frontline in upholding the legislation that we hope the House will pass this evening. It will be the individual shop staff—often alone; often, perhaps, not much older than some of the people who are trying to buy these products—who are at the frontline of that challenge.

Let us just picture for a moment a large, 24-hour supermarket open at 2 or 3 o’clock in the morning with a shop assistant at the front counter refusing to make a sale of a corrosive product or a knife, upholding the legislation that the Minister proposes. Imagine for a moment a small, open-all-hours shop refusing to sell these products, or a DIY store on a Saturday afternoon refusing to sell at that frontline. When that member of staff says no, they say no on behalf of us all in upholding this legislation.

The simple measure that I have brought before the House would strengthen the Bill to give those people some protection. It would tell them what their rights are in upholding this legislation and what defences we are giving to them.

Philip Davies: As I am sure the right hon. Gentleman knows, I worked for Asda for 12 years before I first entered this place, and what he has said about shop staff is absolutely right. It is a hellishly difficult job working on the checkouts in a supermarket—or in any shop, for that matter—and we ask an awful lot of those people, who are not paid an awful lot to do the really responsible job that they do. I agree that the least that we can do in this House, when we put such pressures on them, is to give them the support that they need. On that basis, I very much support his new clause 1.

David Hanson: I am grateful to the hon. Gentleman for his support. As he will know, the frontline staff are the people who are upholding the law not just on this issue but on all age-related sales. While today we can only discuss amendments on corrosive products and on knives, the Minister needs to look at this issue in relation to all age-related sales. Shop staff are upholding the law on our behalf, and they deserve protection. My new clause would strengthen that protection. It provides for a level 4 fine of up to £2,500 for abusive behaviour when staff are enforcing the legislation that the Minister proposes.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I, too, support my right hon. Friend’s new clause 1. Does he agree that there is a particular point about staff in small shops that are often open until 8, 9 or 10 o’clock at night? The shop will often be the only place open in that community and not in an area where people are walking past. The one or two staff in there could find themselves under immense pressure from people wanting to buy substances, and they have to reject them with nobody about to help.

David Hanson: My hon. Friend is right. If the Bill was passed with new clause 1 included, shop workers could at least point to a sign on the till saying, “You will face a fine if you do not desist from this behaviour.” There are fewer police on the streets to call, but this is an opportunity to at least strengthen the protection of individuals working in these shops.

The retailers we have all met in the past few weeks as part of the “Freedom from Fear” campaign are doing their bit. They are installing CCTV and putting security measures in place. I visited the Co-op in Leeswood in my constituency, where staff have handsets and headphones so that they can communicate, and individuals are being banned from stores. It knows that it has a duty of care for its staff. All I am asking is that the Government recognise they have a duty of care also.

Paula Sherriff (Dewsbury) (Lab): I, too, support my right hon. Friend’s new clause. Does he agree that workers in rural locations, where shops are often single-staffed and the distance from the nearest police station may be significant, are often left in a very vulnerable situation indeed?

David Hanson: Indeed. My new clause—if adopted, or if the Minister looks at this as part of age-related sales—would give additional protection to shop workers who are upholding the legislation that this Government have introduced.

The Union of Shop, Distributive and Allied Workers, of which I am a proud member and which—I declare an interest—gives some support to my constituency party, supports my new clause. The Co-op party, the co-op movement, the Association of Convenience Stores, the British Retail Consortium and the National Federation of Retail Newsagents all support the new clause publicly and visibly because they recognise that they have a duty of care to their staff.

This matters because, in the past 10 years, we have seen a rise in the incidence of threats and on threatening behaviour towards retail staff. An USDAW survey showed last year that 66% of staff have reported verbal abuse, and the number who reported threats of physical violence increased to 42% in the past year alone.
Sarah Jones (Croydon Central) (Lab): I support my right hon. Friend’s new clause. I visited a Co-op shop in Croydon recently. The manager there had had a knife pulled on him. There had been several occasions in recent times when incidents had occurred but the police had not come, because the incidents were not deemed important enough. Those shop workers were having to deal with all kinds of incidents. They feel a lack of protection, and they support what my right hon. Friend is trying to do.

David Hanson: My new clause would give added protection, but more importantly, it would show retail staff on the frontline that we are on their side, backing them up and giving them the support they need.

The British Retail Consortium and the Association of Convenience Stores have identified violence to staff as the most significant risk in the sector. The National Federation of Retail Newsagents has published research showing that there are 2,300 incidents daily among its members. The Association of Convenience Stores has said that enforcing the law on age-restricted sales is one of the biggest triggers of abuse against people working in convenience stores. The British Retail Consortium has said that age verification checks are one of the key triggers for attacks. USDAW has said that shop workers are on the frontline of helping to keep our community safe, so their role should be valued and they deserve our respect. The Co-op and police and crime commissioners such as Paddy Tipping in Nottingham have said the same.

If the Minister can agree to this new clause or take it away and look at the general principle with the National Police Chiefs Council, she will be standing shoulder to shoulder with every member of staff who is upholding the law. She will be saying that she is with them and protecting them. She should do the right thing. The 15,000 members of the National Federation of Retail Newsagents want this new clause. The British Retail Consortium, representing 70% of retail trade, wants this new clause. The Association of Convenience Stores, representing 33,000 stores, wants this. The Co-op group wants it. The Co-op party wants it, and the USDAW trade union wants it. It seems that the only person who does not is the Minister. I know that she is concerned about this issue. I ask her to reflect upon it, to support the Co-op party wants it. It seems that the only person who does not is the Minister. I know that she is concerned about this issue. I ask her to reflect upon it, to support the Co-op and police and crime commissioners such as Paddy Tipping in Nottingham have said the same.

Vicky Ford: At the moment, many of our constituents seem to think the only thing we are discussing in this place is yet more Brexit, so it is with great pleasure that I am here to speak about something so important, unfortunately, to the daily lives of many of our constituents.

A few weeks ago, I was invited to speak to a group of 16 to 18-year-olds in my constituency who have campaigned very hard for stronger laws against this type of crime and for stronger action against this type of weapon. Since my election for stronger laws against this type of crime and for stronger action against this type of weapon.

In Essex, we have the highest number of violent incidents relating to urban street gangs and county lines in the whole of the east of England, but we have a police and crime commissioner who is committed to reducing that. While violent crime across the country has increased by 12%, the police and crime commissioner in my own county—the police, fire and crime commissioner; she has now taken on the fire commissioner role as well—told us just last Friday night that it has increased by 3% to 4% in Essex. That is lower than the national rise, but it is still increasing.

Thanks to Ministers listening to the pleas from Essex police, we will now have 150 additional police officers on the streets in Essex, because we have been able to increase the police precept. Essex MPs were united in asking for the increase in the police precept. I am sure the Minister will be very glad to hear that a whole tranche of those new Essex police officers will hold their passing-out parade on Friday afternoon. We are very proud to see that decision actually turning into reality.

At the end of the summer, I spent a day and a night on patrol with my local police. While I have the Minister’s attention, I will mention some other items that I would like her to consider. The officers in my district alone did 172 stop and searches last month. They said that the power to stop and search is vital for tackling county lines and getting on top of the increase in violent crime. Stop and searches quite often result in the seizure of offensive weapons, such as the ones we have been discussing.

4.45 pm

My local police are also running Operation Showman to tackle drug use and supply. It has been really successful at targeting the people at the top of the drugs gangs.
and a number of arrests have been made. The police would like to see stronger sentencing when they find those people. They can arrest and re-arrest them, but sometimes the sentences are not as strong as they would like. They would also like stronger stop-and-search powers, especially in cases where they smell cannabis, because it is unclear what they can do at the moment, but that is often linked to other gang-related activity.

There is particular concern about vulnerable young people being targeted by gangs and used as drugs mules. The police have asked me to draw this to the Minister’s attention. Sometimes the police, the youth offending programmes and the Crown Prosecution Service will decide to put a curfew on a young person to safeguard them, because the gangs will be unable to exploit them by asking them to go out at night and get involved in violent crime, which is linked to the violent weapons we are discussing today. Of course the young person—we are talking about 14-year-olds—will not say publicly that they want the curfew, but they know that it will protect them. However, when the case gets to court, the magistrate has decided on occasion to overturn the curfew because they think the young person has human rights and should be allowed out after 10 o’clock at night. There does not seem to be a process that allows the police, the youth offending programmes and the CPS to pass that intelligence on to the magistrate before sentencing, so how can we improve the dialogue to ensure that all the information is taken into consideration to safeguard these vulnerable young people?

In the Women and Equalities Committee, we have been looking at sexual harassment, especially in public places and at night. One of our report’s recommendations is to encourage more parts of the country to consider purple flag schemes for busy city centres. In my constituency, we are very proud of our purple flag team, who recently won the national award for best Pubwatch scheme. The scheme brings together pub and nightclub owners. My constituency has a very busy nightlife. Indeed, I spent the Saturday before last following the bouncers in five different nightclubs to see the work they do.

Most of those clubs run a scheme that allows absolutely no drugs and has strong co-ordination so that anyone suspected of being involved in drugs or violence is banned, and the ban goes across all the pubs and clubs in the scheme. It has resulted in a 35% drop in night-time violence. It is hugely innovative. The scheme has also introduced acid attack kits to ensure that all those working in the clubs can take swift action if someone is attacked with acid. That is a very innovative and, it has definitely meant that those visiting the clubs and the club owners feel much better prepared.

On a recent visit to my local mosque, I was very taken by the fact that the young people, both boys and girls, were telling me how concerned they were by the rise in acid attacks. I am absolutely delighted that the Bill introduces additional restrictions on carrying dangerous corrosive products. The young people I spoke to, both in schools and in the mosque, were absolutely delighted to hear about this piece of work. New clause 17, which will allow searches for such corrosive substances in schools or further education premises, will also help. I am therefore delighted to support the Bill, which I believe is a very important step forward in reassuring our young people and keeping them safe.

Anna Turley: I rise to support my two amendments, amendments 1 and 2, with regard to a specific constituency case I mentioned earlier to the Minister. I am afraid her response did not go quite far enough to satisfy me, so I would like to press my case a bit further.

My point refers specifically to an online decorating business in my constituency, which expressed deep concerns that the proposed legislation could potentially force them out of business. My constituent estimates that were the Bill to be enacted as it stands, he would lose approximately £32,000 per year. That is probably enough to destroy a small business. He currently sells a number of bladed decorating tools, including bladed paint scrapers, craft knives, safety knives and utility blades—all very niche tools for the DIY trade. These items are delivered to residential addresses and so the provisions under clause 17 could potentially make a significant part of his trade illegal.

There could also be a wider impact on the rest of his business. As customers often purchase those items with other decorating materials such as wallpaper and paint, my constituent is concerned that if people are forced to visit decorating stores to buy a single tool, such as a scraper or a knife, they will buy all their decorating materials and bladed items there in one go. That would have a huge impact on his business.

Stephen Timms (East Ham) (Lab): I wonder whether my hon. Friend has seen, as I think would be the case under the Bill, that people like her constituent would not be able to post those products to somebody’s home, whereas somebody selling identical products from overseas would freely be able to carry on sending them by post to the purchaser.

Anna Turley: My right hon. Friend makes a really important point. That is just another huge loophole in the Bill that will have an impact on British businesses, forcing them to be unable to compete. Ahead of Small Business Saturday, I really hope Ministers will take that under consideration.

In response to my question earlier, the Minister responded that the simple difference would be that people would just have to go to a post office to sign for these goods. In areas like mine, people often travel as far as six or eight miles to get to the nearest post office. That is a long way, so why would they not go to the nearest B&Q or other big store to buy all their DIY needs? We are driving out small online businesses who have struggled to get themselves up and running. They are losing out yet again to major stores, because we are making their customers’ lives more difficult.

My constituent is just one example of many small and medium-sized businesses across the country that could be inadvertently affected by the Bill. Small businesses are the lifeblood of our economy and local communities, and we will all be celebrating them this weekend. I am sure the Government did not intend for the Bill to unjustly penalise online retailers and I am sure this is just an oversight in the drafting. The proposed legislation already makes very specific exemptions on bladed items for activities such as sporting or re-enactment. It would therefore not be unreasonable to extend that flexibility to decorating items which similarly support a genuine public purpose and are used regularly by law-abiding citizens.
I would also like to speak in support of amendments 8 and 9, tabled in the name of my hon. Friend the Member for Sheffield Central (Paul Blomfield), which seek to address the same problem. There will obviously be a number of other businesses—we have already heard today about the importance of Sheffield steel and Sheffield knives—affected by the poor drafting of the Bill, including in the catering and the arts and crafts industries. The amendments would create a trusted trader status entitling qualifying businesses to sell bladed products to residential premises, creating another means of protecting such legitimate businesses. As long as there was not a resulting excessive administrative burden or unnecessary delays to trading while registering, the trusted trader approach could be an effective means to ensure a satisfactory balance between necessary restrictions on the sale of blades to those who intend to use them as weapons, and ensuring legitimate businesses can continue to operate.

The Minister raised the point about overburdensome regulation in opposition to the amendments. Again, she is already asking people to send their customers to the post office, so that we try to make sure that they are not selling to those under the age of 18. We are already putting such restrictions on people. I do not think it is that burdensome to ask someone to register as a trusted trader, which is a positive thing for them to sign up to and would enhance, not jeopardise, their businesses.

I hope that the Government will look again at the amendments and recognise that there is, I am afraid, a serious flaw in the drafting of the Bill. I hope that they will work with the Opposition to amend the Bill as it continues its passage through the House, while engaging fully with the retailers and others affected. Otherwise, I am afraid that the Bill as it stands will have a disastrous effect on many of our hard-working small businesses, which are the lifeblood of economies such as mine.

Huw Merriman: It is a pleasure to follow the hon. Member for Redcar (Anna Turley), who is a fellow Arsenal fan and one of the nicest people in this place—[Interruption.] There was no career to lose—at least for me.

I want to speak about new clauses 5 and 26. I am conscious that the hon. Member for Hampstead and Kilburn (Tulip Siddiq) has not yet spoken, so I will leave time for her to do so. Generally, I am very supportive of the Bill, and I am very concerned that the number of offences of violence against the person recorded by the police in 2017 was 21% higher than in 2016. That demonstrates the need for more to be done across the House to support the police. There was also the highest level of offences involving knives or sharp instruments since 2011, so we clearly have a problem. This should not be a party political issue; it should be for all of us as constituency MPs to work together to deliver a solution.

That certainly came through to me last night, when I was due to be meeting a friend—not just a friend to me, but to many in this place—who works for Save the Children and who I went to the Syrian border with. She did not turn up to the meeting that we were due to have because she was attacked and mugged by somebody carrying a large knife. She is well known to us all, so this is going on in our communities.

Let me deal with new clause 5. I am indebted to the Minister, who is not in her place, but we spoke at length this morning. When I look through the clause, which was tabled by the shadow police Minister, the hon. Member for Sheffield, Heeley (Louise Haigh), it is very difficult to see anything in it that I would not agree with. I can see that the issue may be the impact that it could have on small businesses. However, if I wished to harm myself by going into a shop and buying a packet of cigarettes, those cigarettes would be behind a counter locked in a cabinet, often in very small premises, yet if I wished to harm somebody else, I could go into a shop and pick up a bladed article to do that. Of course, the issue is with regard to shoplifting. Although I absolutely agree with the need to support small businesses and be proportionate, I say to the Minister, through the Front Benchers who are here now, that if we find out from a review over a period of months that we still have difficulties with knives, and that the measures taken on internet restrictions and delivery to addresses have not dealt with this matter, the new clause will need to be looked at again. I therefore ask those on the Front Bench, in return for me supporting their position and the Bill overall—notwithstanding that I think the new clause is excellent—to ensure that we see the new clause again if it is absolutely demonstrated to be necessary.

When I was speaking to the Minister, I had the feeling that we were looking for other solutions, because if we compare the scenario in south London, where knife crime is prevalent, with my constituency, where it is not as prevalent, we see that a one-size-fits-all ban across every single shop may not be proportionate. However, we do have public spaces protection orders, which were brought in to allow local authorities to put orders in place to prohibit certain behaviour relevant perhaps just to that community. Such an order can be applied for if the activities are being carried out in a public space within an authority’s area and those activities have a detrimental effect on the quality of life of those in the locality and are likely to be persistent, unreasonable and justify such a restriction—so, something as crucial as knife crime should fit within that.

I understand from the Minister, who is back in her place, that the difficulty is that the definition of “public space” would not include a shop. I am sure that that has been tested legally. I was trying to find the research, and in the short time I had I could not do so, but I did notice that the US definition would actually include a shop because, in effect, it only precludes areas relevant to a private gathering or other personal purposes. I understand that a “public space” would tend to be open, but I would ask if lawyers could reconsider whether that is relevant and, if it is, whether local authorities in areas where knife crime is prevalent should be able to apply for such orders. That would have the same effect as the new clause.

5 pm

I hear the Minister when she says that many shops and stores are taking voluntary action. My concern, however, is that those are bound to be the responsible, good stores, and in a way that probably highlights the need for the Government to step in for those stores that are not taking the same action. I ask her to keep an eye on this and, if it turns out the clause is needed and that
the rest of the Bill does not fix the problem, or at least reduce it, to consider adopting the provisions in the new clause.

New clause 26 is another clause against which it is difficult to argue. Moped usage as an aggravated feature is absolutely an issue, particularly, as I understand it, in the constituency of the hon. Member for Hampstead and Kilburn (Tulip Siddiq). I am sure the counter view is that the courts will always look at certain matters, including matters prevalent in their own localities, and make an example, and they already have the powers to do that, but if it turns out that the Bill does not reduce that prevalence and that the courts are not targeting in the way that I have described, I would again ask the Government to reconsider the new clause after a period of months and adopt its provisions.

Finally, in case it sounds like I am standing up as an Opposition Member, I would like to issue with the point made by the shadow Home Secretary, who has taken her place now, about the police causing moped riders to come off their mopeds before a serious crime takes place. I recognise that, as she says, it is potentially very dangerous—I agree that it should not be legal for anyone and that the police are not above the law—but we are seeing a horrendous increase in the number of crimes involving these machines, and it is absolutely right that the police should intervene to stop the ultimate action that these individuals seek to achieve.

Lyn Brown: The hon. Gentleman rightly says that the shadow Home Secretary has recognised that the use of excessive force is an offence already. The fact that she has drawn attention to that in this place and elsewhere should not be such a big issue, surely.

Huw Merriman: Of course, we are all entitled to our point of view.

Lyn Brown: It’s the law.

Huw Merriman: I understand it is the law, but it also sends out a certain message, does it not? The police are looking for our support in dealing with an incredibly difficult problem. I have mentioned how it is blighting many constituencies, including those of Opposition Members. To send out a message that they should not be doing this, and thereby to focus on the police rather than the perpetrators—I made a similar point to the hon. Member for Sheffield, Heeley about new clause 5—is rather demoralising for the police.

Lyn Brown rose—

Huw Merriman: I will not give way again because many others wish to speak.

Louise Haigh: Unfortunately, there is not time for me to address all the amendments in the group, but I thank my right hon. Friend the Member for East Ham (Stephen Timms), my hon. Friends the Members for Bristol South (Karin Smyth), for Sheffield Central (Paul Blomfield) and for Redcar (Anna Turley), my right hon. Friend the Member for Delyn (David Hanson) and my hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq), who have all tabled reasoned, evidence-based amendments that would significantly improve the Bill. I support them all wholeheartedly.

The hon. Member for Bexhill and Battle (Huw Merriman) was very kind in offering his support to new clause 5, which would introduce a simple prohibition on the display of bladed products in shops. The new clause is the result of a huge amount of work led by my hon. Friend the Member for Lewisham, Deptford (Vicky Foxcroft), who is chair of the cross-party Youth Violence Commission. One of her most important recommendations was the prohibition of knife displays in shops, a matter that was discussed when experts gave evidence to the Committee. The Union of Shop, Distributive and Allied Workers said that it would be helpful to put knives behind displays in shops. A representative said:

“Obviously, now big retailers are increasingly going down the route of making it more difficult for customers to get their hands on the product until they have been age-checked and the transaction is safe. The problem with it, of course, is that all sorts of bladed things are being sold and it is about where you draw the line.”—[Official Report, Offensive Weapons Public Bill Committee, 19 July 2018, c. 98, Q239.]

Obviously we want retailers to check people’s ages properly when they seek to purchase knives, but the fact of the matter is that many young people who want to access knives will go into shops and steal them if they are readily available. Ultimately, there is little point in having the provisions in the Bill, and putting all the restrictions and burdens on online retailers, if we are not asking face-to-face retailers to abide by the same regulations.

There are a number of restrictions under the law relating to other products—most obviously, the extremely restricted provisions relating to the sale of tobacco, which prohibit the display of tobacco products except to people over the age of 18. The Tobacco Advertising and Promotion Act 2002 specifically refers to under-18s, so the principle already exists in law. New clause 5 simply transposes to knives the already sufficient and proportionate response to tobacco. As the hon. Member for Bexhill and Battle said, if we walk into a shop and buy cigarettes with which to kill ourselves, they will be behind locked cabinets. A young person, or any person, who walks into a shop and steals a knife in order to kill another person is free to do so: as things stand, the knives are not even behind locked cabinets. We see no reason why that should not be extended to bladed products. Given that the Government are so committed to clamping down on online sales, we hope they recognise that face-to-face sales are a clear issue that needs further consideration.

While we are on the topic of restricting the supply of knives, let me turn briefly to the amendments tabled by my hon. Friend the Member for Sheffield Central. The clause to which they relate was debated extensively in Committee. We fully support the Government’s intention, but are worried that the clause may punish businesses while having little impact on the ultimate aim—to reduce violence.

I remain baffled as to why the Home Office has not simply put strict age verification controls on the sale of knives online, as it does, for example, with gambling, but instead has chosen to punish the online sales industry and traders such as those mentioned by my hon. Friend the Member for Redcar. My hon. Friend’s amendments are very reasonable compromises, put forward by the very businesses that the Minister claims have complained
that they are too bureaucratic. I fear that the clause has not been thought through sufficiently, and will have untold consequences.

New clause 1 was tabled by my right hon. Friend the Member for Delyn, whom I congratulate on his incredible, impassioned speech and the fantastic campaign that he has mounted. We have made clear from the outset that we are prepared to support amendments to protect shop workers. In Committee, we heard powerful evidence from USDAW and the British Retail Consortium about the increase in the number of attacks on shop workers as a result of restricted sales, and we wholeheartedly support any measure that will improve their protection. I congratulate USDAW on its brilliant campaign.

Let me now deal with new clause 31. The death of a pregnant woman, Sana Muhammad, just a few weeks ago in the constituency of my hon. Friend the Member for Ilford North (Wes Streeting) has, in his words, “shocked people…to the core.”—[Official Report, 14 November 2018; Vol. 649, c. 310.]

She was attacked in front of her five children by a man with a crossbow, and was tragically pronounced dead a short while afterwards. That tragic case has brought to light, once again, the remarkably weak controls on crossbows, which have lethal effects. It is incumbent on us as a Parliament to decide whether we are comfortable with circumstances in which a lethal weapon is freely available to anyone over the age of 18, with no licensing restrictions at all.

There have been many tragic and disturbing incidents involving crossbows, and the law as it exists has developed only incrementally. Our new clause would create a licensing system. That is not a step that any Parliament should take lightly, but we believe that it has the potential to remove the unregulated sale and possession of some of the most lethal crossbows, while also ensuring that the law-abiding community who use crossbows for sporting purposes are still able to carry out their legitimate pursuit. The clause also creates safeguards which allow further consideration of the power under which a crossbow would become subject to licensing provisions, allowing the Secretary of State to make regulations determining the appropriate draw weight.

Our new clause 6 calls for a report on the causes behind youth violence, a topic that is not discussed much in the entire debate around offensive weapons. The new clause goes to the heart of our issues with the Bill and the Government’s seriously weak serious violence strategy. The strategy was published only in April yet we have already seen a U-turn from the Home Secretary, finally agreeing that the public health model must be adopted and that agencies need to be working better to tackle violence. We have been telling the Government all of this for at least the last year, so we are pleased to see progress, but we are alarmed that the strategy is so desperately short on detail. Members hear almost every day from constituents about the levels of crime and the cuts to policing in our constituencies.

The police service is at risk of becoming almost unrecognisable to the public and irrelevant according to the Home Affairs Committee. “Panorama” reported recently that up to half of crimes are being “screened out” by some forces, meaning they get no investigation at all. This is just the latest indication of a police service creaking under the strain of soaring demand after eight years of austerity. When crimes are not being investigated, deterrence reduces and crime rises further still. It is a vicious circle and one the present Government have locked us into with little recognition of their role in it.

Axing the police was a political choice that has done incalculable harm to our communities, and it is a choice that I suspect many Conservative MPs who voted for swingeing cuts privately regret.

Mr McFadden: I strongly agree with the points my hon. Friend is making. Does she agree with me that if the Government get the police pensions wrong, the issue she has just highlighted will become even worse, because we have been warned by chief constables and police and crime commissioners around the country that thousands more officers could be lost if they are forced to pay for it out of existing police budgets?

Louise Haigh: My right hon. Friend is right. After eight years of cuts to frontline policing, the Government have slapped on another £465 million cut by 2022, which we have been warned will cut another 10,000 police officers from our communities. It is completely intolerable.

New clause 6 would release the Home Office evidence—that we know exists, thanks to leaks—to public scrutiny. We know that Home Office officials believe that the reduction in police numbers has led to a reduction in so-called hotspotting and to an increase in violent crime.

But of course this is not just about police numbers; we need a wholesale review of the impact of the Government’s austerity agenda on the vital safety nets that keep our communities safe and the consequent impact on rising crime levels. The now famous example of where we have seen a successful approach is on our doorstep in Scotland, where a 20-year strategic approach was taken to reducing youth violence. That is what is required, as opposed to the Government’s strategy, which uses the rhetoric of early intervention and prevention but represents at most a three-year strategy.

The amendments in my name and those of my hon. Friends seek to strengthen and improve the weak legislation before us today. They seek an evidence-based response to the long-term trend in violence that we are witnessing as a result of this Government’s austerity agenda. We hope the Government will accept that much more needs to be done if we are to prevent any more young lives from being needlessly taken and will accept the amendments in our name.

Tulip Siddiq (Hampstead and Kilburn) (Lab): I rise to speak in support of my new clause 26, and I thank my hon. Friend the Member for Sheffield, Heeley (Louise Haigh) for her support in that. I also, surprisingly, thank the hon. Member for Bexhill and Battle (Huw Merriman) for his support for the amendment, although I am disappointed that he did not say that I am one of the nicest people in the House—perhaps I can prove that to him afterwards.

Some Members have already referred to the Metropolitan police video that went viral showing officers tactically nudging criminals off their bikes in the height of chase. Regardless of whether people support that police strategy, the strength of feeling on this matter is demonstrated by
the fact that the video was retweeted thousands of times and appeared on the front pages of the papers. That is because so many people have been, or know someone who has been, a victim of crimes committed by people on mopeds.

Criminals use mopeds because of the element of surprise it gives when attacking the victim, the victim’s helplessness when hit by someone on a moped, and the speed at which the criminal can get away, which makes it particularly effective for theft. Constituents in Hampstead and Kilburn have told me that they are now scared to walk down the street either talking on their phone or showing any of their possessions because they fear someone on a moped snatching those items away. I speak today to give those people a voice and to speak up on behalf of those who believe that the existing legislation to deal with such crimes is no longer sufficient.

5.15 pm

In Committee, I tabled a similar amendment that sought to ensure that the use of a moped while possessing an offensive weapon would become an aggravating factor in sentencing. Committee members supported that move. My right hon. Friend the Member for East Ham (Stephen Timms) noted the close link between acid attacks and the use of mopeds. I think it is fair to say that my right hon. Friend probably knows this Bill better than anyone else in the House—I hope the Minister will forgive me for saying that—and I will say more about his testimony in support of my amendment in a moment.

My hon. Friend the Member for Croydon Central (Sarah Jones) has done an enormous amount of work on knife crime in her constituency, and she spoke of a couple who had been out walking with their seven-year-old daughter when two people wearing masks and on mopeds came up to them and held a knife to the neck of the daughter. I am sure that Members will understand how frightening and scary that must have been for the family. I am pleased to say that the Minister, who is not in her place, supported the sentiment behind my amendment.

She spoke about the short-term and long-term effects of moped crime and acknowledged that their presence in attacks using corrosive substances was a “worryingly frequent occurrence”. However, the Government voted down my amendment, which has paved the way for my new clause today.

New clause 26 seeks to introduce an aggravated offence of possessing a corrosive substance or dangerous knife. A person would be guilty under the new clause if they committed an offence under clause 6 while driving a moped or while a passenger on a moped. If found guilty, offenders would be liable to imprisonment for a term not exceeding two years, or to a fine, or to both. The liability would be the same for England, Wales and Scotland. I know from the Minister’s feedback to the Committee that she was concerned that my amendment was restrictive, which is why I have reflected on it and returned with a new clause that will instead legislate for moped-enabled acid possession to be an aggravated form of the basic offence, rather than being treated as an aggravating factor when sentencing for the basic offence. In other words, new clause 26 addresses the serious specific circumstances that are unique to moped crimes while leaving the sentencing to the discretion of the court.

I should like to remind the Minister and Conservative Members that there is a clear precedent for taking this route. Under section 12 of the Theft Act 1968, taking a vehicle without consent carries a maximum sentence of six months. The aggravated offence under section 12A of that Act—driving the taken vehicle in a dangerous manner—carries a maximum sentence of two years. Let us also remember the campaign of my hon. Friend the Member for Rhondda (Chris Bryant). Common assault under section 39 of the Criminal Justice Act 1988 carries a sentence of six months. An assault under section 1 of his Assaul ts on Emergency Workers (Offences) Act 2018 carries a maximum sentence of 12 months.

Members from across the House have told me that they are sick to death of moped crime in their constituencies and the misery that it creates for people living there. They are looking for further deterrents, and my new clause provides an opportunity that I hope we can all get behind.

Beyond looking at the precedents involved, I urge the Government to support my new clause today, because moped crimes are far too numerous for us to be content with the current strategy. Innovative action from the police—whether the spray-tagging of mopeds or tactical collisions—has led to a not insignificant fall in moped crime, but the problem still exists. In June last year alone, Camden suffered 1,363 moped crimes. In 2017, the Metropolitan police reported that 24% of their pursuits involved officers chasing mopeds or scooters. This year, the figure rose to 40%.

I quote one constituent from Hampstead Town, who said:

“I’m on the verge of moving out. The situation is out of control. I’ve”
suffered attempted muggings
“twice in 10 days. I was walking on the pavement and people on motorbikes tried to steal my wallet, in the middle of the day.”

Such stories are common across all the forums in my constituency, especially among young mothers, who when pushing their prams are particularly worried about being attacked from the back, because they are keeping an eye on their child but also trying to keep an eye on their possessions.

In Committee the Minister rightly argued against complacency, but objected to my amendment, saying that,

“aggravating factors...could be too restrictive, in terms of only applying to mopeds”.

That surely is not a reason to vote down new clause 26; it is a reason to accept my measure and look at expanding the scope.

In addition, conviction rates are unacceptably low. In 2017-18, detection rates for offences resolved through a sanction stood at just 2.6%, which means that more than 97% of moped criminals escaped justice in just that year. That is appalling and unjust.

Moped crime is also costly. As the Minister said in Committee,

“we focus on the terrible psychological and physical impact of these crimes, but often...there is an economic impact”.—[Official Report. Offensive Weapons Public Bill Committee, 11 September 2018; c. 316-7.]
on livelihoods. I urge Members to read the testimony of my right hon. Friend the Member for East Ham, who spoke about the economic impact on delivery people,
and the impact on their livelihood when they are hit by moped crime. It should give us all pause for thought as to whether the current strategy is really working, or whether we should be doing something about the current strategy to ensure that we are not all hit by moped crime over and over again.

Of course the Metropolitan police are entitled to celebrate its considerable successes when it reduces any form of crime by a significant degree, but I am sure that Metropolitan police officers and all constituents would say there is a lot more that we can do, and that greater deterrents for moped criminals would be welcome.

My new clause seeks to provide a remedy to that problem. The Minister’s rhetoric on moped crime is welcome, but we need to ensure that our legislation actually reflects the unique fears and threats that moped criminals represent to the public. Viral videos will not deter future moped criminals from instilling fear in my constituents, but tougher approaches to the offence may just do that. That is why I commend new clause 26, and hope that Ministers and Tory Members will see fit to support it.

Stuart C. McDonald: I shall be brief, as lots of hon. Members wish to speak.

The provisions in the Bill in relation to corrosive substances and knives are also largely welcomed on the SNP Benches, but I do not think anyone is arguing that the new provisions will transform or revolutionise the fight against knife crime or acid attacks; they can merely play a part in reducing the number of lives affected.

There has been close working between the UK and Scottish Governments, including on amendment 56, which the Minister highlighted. Many of the other amendments in the group would not extend to Scotland, or do not seem intended to do so, so we would argue that further changes to the criminal law of Scotland should be left to that Parliament and I shall speak only to one or two of the amendments tabled.

I welcome the changes to the defence relating to possession of swords for religious ceremonies. We congratulate all involved in tabling and supporting amendment 22 and we welcome the Government response, which we trust will ensure that the new offence of possessing certain particularly offensive weapons catches any that it is really aimed at, not those involved in religious ceremonies.

It is important to speak about new clauses 1 and 14. We agree absolutely that they flag up a serious problem that must be addressed, and it is good that it has been highlighted today. In Committee, we heard evidence about the growing problems faced by shop workers and the increasing number of thefts and attacks that they face. As part of the recent Respect for Shopworkers Week and USDAW’s Freedom from Fear campaign—like other Members, I suspect—I visited a local Co-op store to hear about the challenges faced there and the steps needed to help support shop workers. I totally agree that the problem must be tackled.

A private Member’s Bill is being finalised for tabling in the Scottish Parliament in relation to the protection of shop workers, having attracted the requisite cross-party support. The Scottish Government have said that they have an open mind on whether they would support such a Bill. The proposals contained in the Bill consultation for new offences cover not just shop workers selling age-restricted goods, but bar staff, and indeed door staff. I appreciate that those tabling the amendments before us today have been restricted by the scope of the Bill before us, but as the consultation in the Scottish Parliament pointed out, age restrictions on tobacco and alcohol are almost certainly the most common flashpoints, and if we are to take a legislative approach, I would argue that ideally that would need to cover such sales, too, rather than simply corrosive substances and knives.

In short, although I sympathise with the arguments that have been made today, I leave it to the Scottish Parliament to decide the issue holistically in respect of that offence in Scotland.

I will not further delay the House by talking about other amendments with which I sympathise but that relate to devolved matters. New clause 6, which would give rise to a reporting requirement, is slightly shoehorned into the Bill. A general report on the causes of youth violence would clearly be better than one restricted to youth violence with offensive weapons only, but it would, of course, be open to the Secretary of State to go further. Although crime is devolved, some of the possible causes that would be reported on under new clause 6 are not; they are reserved. To finish on a happy note, we willingly shoehorn in our support for new clause 6.

Richard Graham: I rise to comment on two of the new clauses. First, my hon. Friend the Minister has spoken convincingly on new clause 16 and there is widespread agreement in the House that extending the Bill to cover private places, as well as public places, is important. To add to what I said earlier, several recent knife crimes in Gloucester have been committed in public places, most tragically one at the All Nations club, one outside the Pike and Musket pub and others, but, more recently, some have been committed very much in private places—in flats and properties—and I am delighted that new clause 16 covers those places.

New clause 1 was tabled by the right hon. Member for Delyn (David Hanson), and everyone in this House wants to see not just shop workers but everyone who engages with the public—including people who work in our railway and bus stations, who are often on the frontline against such antisocial behaviour—fully protected by the law against totally unnecessary behaviour by other members of the public.

It seems to me, and I stand to be corrected, that new clause 1 would apply only to the handling of corrosive substances or bladed instruments. Although that is a good thing, most shop workers want to know that if somebody intentionally obstructs them—in other words, if somebody acts in a threatening manner—that same behaviour would be a crime whether it is a bottle of beer, a bottle of whiskey or a bladed instrument. The new clause perhaps does not suit shop workers as well as it might, but I ask the Minister to consider taking it back to the Home Office for discussion to see what might be done about it.

Victoria Atkins: I hope my hon. Friend realises that I listened with great care to the speech of the right hon. Member for Delyn (David Hanson), and I agree that we want to ensure that our shop workers feel protected, as well as being protected, by the law. If I may, I will reflect further on new clause 1, and I invite the right hon.
Gentleman, my hon. Friend the Member for Gloucester (Richard Graham) and organisations involved in the retail arena, including trade unions, to the Home Office for a roundtable so we can further discuss the concerns that have been raised this afternoon.

Richard Graham: I am very grateful to the Minister. That is a really good step forward, and I wonder whether the right hon. Member for Delyn would like to comment.

David Hanson: I happily accept the Minister’s offer to revisit this with the trade unions and shop organisations. The reason why new clause 1 would cover only corrosives and knives is because that is the scope of the Bill; it should cover age-related products. I would welcome it if we can reflect on that, but I reserve the right to return to the matter in another place should the meeting not prove successful.

Richard Graham: I am not sure this is how these things often work on the Floor of the House, but this is a helpful way forward for all sides. I am grateful to the Minister and the right hon. Gentleman.

On that note, I have said all I want to say on new clause 16, which I think is good, and new clause 1, which will be taken away for consideration.

Vernon Coaker: Let me start by saying that I think we are all pleased with what the Minister has just said to my right hon. Friend the Member for Delyn (David Hanson) about his new clause 1. The shop workers of the country, the unions and people across the whole of our nation will be pleased with that and will look forward to what we come up with in due course.

5.30 pm

In the short time available, as so many others wish to speak, I want to refer to the excellent new clause 6, tabled by my hon. Friend the Member for Sheffield Heeley (Louise Haigh). Serious violence in this country with the use of offensive weapons is almost an epidemic, if it is not already one. Across our nation, young people, in particular, are regularly being killed on our streets. Young people in particular, including in Gedling, in Nottingham and beyond, face attacks with knives day after day, week after week. This is a national emergency.

In the short term, all of us would of course want to see tougher policing and the perpetrators being put behind bars. All that is a given, but new clause 6 says that as a community and as a country we also have to have a better understanding of what is actually going on.

My right hon. Friend and I were just reflecting on how we were in the Home Office in the 2008 to 2010 era, where there again was a big spike in serious violence. We brought everyone together and discussed this with the victims, the perpetrators even, the police and, above all, the local communities affected. We went to them, including on stop-and-search; the stop-and-search we introduced was done on the basis of what those communities found acceptable. That is what we did.

I say to the Minister that I wanted to use this discussion about new clause 6 to say that I do not believe that Parliament discusses serious violence as much as we should. There is a serious violence strategy, but when we debated it? When has there been a statement? When we come to this House with the rage and anger that people across this country feel about what is happening? It is bewildering that we are not raging in this place, not biting my hon. Friend’s hand off and saying that we will accept new clause 6 as an indication to the public that we recognise the seriousness of this situation and that we are going to do something about it. I am sick of it. I am sick of turning on the radio when I wake up in the morning and hearing about the latest knife or gun attack. I am sick of families having to meet the police and others to talk to them about their son, as it nearly always is, who has been murdered or stabbed. I am sick of people being terrified by other people carrying weapons. It used to be that this was always in the inner cities, but no longer. New clause 6 gives us a real opportunity to discuss as a Parliament what we as a Parliament are going to do about it.

Let me finish by asking this: is there a greater national emergency? I know Brexit dominates, but this Parliament should be discussing, almost every week, serious violence and why it is happening. We should be having a huge debate on it. For goodness’ sake, given the number of young people being killed, and the number of knife crimes offences and other offensive weapons crimes that there are, surely we, as a Parliament, need to wake up and debate it with the priority people in this country would expect.

Sir Edward Davey (Kingston and Surbiton) (LD): I congratulate the hon. Member for Gedling (Vernon Coaker) on his excellent speech and I associate myself with his sentiments. The Bill makes some welcome improvements to how the police and courts tackle threats to the public from offensive weapons. Given the violence and the deaths we are seeing now, it is vital that we act. I welcome some of the amendments, particularly those tabled by Labour colleagues, including new clauses 1 and 6. However, a number of details in this Bill would prove counterproductive in the fight against crime—things that are not based on evidence—so I have tabled a range of amendments. I will speak only briefly to some of them now, given the time available and the fact that other Members wish to get in.

Amendments 12 and 13 would in essence replace short-term prison sentences with community sentences. As the Bill stands, the new offence in clause 1 of selling corrosive products to under-18s is punishable by up to 51 weeks in prison. We are puzzled by this, because it directly contradicts Government policy as articulated at the Dispatch Box. The Secretary of State for Justice himself has said that short-term prison sentences do not work. He said that they should be used only “as a last resort.” Amendments 12 and 13 therefore appear to be in line with Government policy and would ensure that the offence set out in clause 1 is punishable by an effective community sentence and/or fine, instead of by an ineffective short-term prison sentence.

Amendment 14 would amend the welcome new offence of possession of corrosives by adding to clause 6 the words “with intent to cause injury”. I assume that the current wording is the result of a drafting error.

Finally, amendments 15 and 16 would remove mandatory prison sentences for a second offence of possession of corrosive substances. In other words, they would prevent this House from yet again trespassing on judicial discretion. I have never understood why Governments and colleagues think that they are capable of second-guessing the facts of a case that has not yet happened, or why this House...
should pretend that it makes any sense at all to bind the hands of judges, who see and hear the real facts of the case, are trained to assess the facts and are experienced in sentencing.

The House may remember when, back in 2014, a Conservative Back-Bench new clause was passed to create mandatory prison sentences for a second offence of possession of a knife. My party voted against that new clause on the principle that mandatory sentences tie judges’ hands, put more pressure on already overburdened prisons and mean that more people, especially young people, end up with ineffective short-term prison sentences. Regrettably, that new clause was passed, thanks to some Labour MPs supporting it, the Conservative Front-Bench team abstaining and Conservative Back Benchers voting for it.

To be fair, there were Labour MPs who voted with those of us who opposed the tying of judges’ hands. One Labour MP in particular made a fine speech, and said:

“There is a principle at stake here. There is a Sentencing Council and legislation on what is and is not a crime, but surely it must be for the courts to determine what is appropriate for the prisoner in front of them, rather than to have that laid down by statute.”—[Official Report, 17 June 2014; Vol. 582, c. 1041-1042.] That MP was the right hon. Member for Islington North (Jeremy Corbyn), so I hope that the Labour Front-Bench team will support our amendments to get rid of mandatory prison sentences.

Back in 2014, when the House debated similar proposals in respect of knife crimes, the supporters of tying judges’ hands said that it would send a message to the people, and that that message would reduce knife crime. That was a rather odd argument, which seemed to assume that young people especially tuned into our proceedings with enthusiasm. It had no basis in fact at the time. We now have the benefit of seeing how four years of limiting judicial discretion over knife crime has worked—how the message that Parliament apparently sent was heard.

Mr Speaker: Order. I am listening intently to the right hon. Gentleman, as always, and in a friendly way I express the confident hope that he is approaching his peroration.

Sir Edward Davey: Mr Speaker, you are right to be confident because I am.

There may now be more people behind bars to whom the judges might have given, on the evidence, community sentences. We may now as a society pay more in taxes to keep locked up people whom it would be better not to lock up, so we may not be able to use the money that is currently spent on prisons in other ways, such as for spending on police or youth services.

All that does not look like a good outcome from the message sent by mandatory sentences, so why are we repeating the mistake? What evidence are Ministers using to introduce more mandatory sentences? What happens if the person was coming one from the shops and he or she was holding his mum or dad’s shopping bags when stopped and searched? Surely it is for judges to act on the basis of fact, not for Parliament to second-guess it. We do not think that mandatory sentences are the right approach, and I hope that the other place will deal with the matter.

Stephen Timms: Given the constraints on time, I will speak only to new clause 23, from among the six new clauses that I have tabled, which deals with a particularly important subject.

It might come as a surprise to the House, as it did to me, to learn that weapons that cannot lawfully be purchased in the UK can be purchased online without anyone committing an offence. That cannot be right. The aim of new clause 23 is to plug that gap. It differs from the proposal that we debated in Committee as it allows for a defence if the website removes the offending advertisement for an illegal weapon within 24 hours of being informed of it. That reflects some recent helpful discussions that I have had with eBay about the practicalities of implementing the change that I propose.

The background is that the Criminal Justice Act 1988 introduced a list of weapons that are illegal to sell in the UK, which was expanded in 2002 to include disguised knives. A disguised knife is “any knife which has a concealed blade or concealed sharp point and is designed or intended to be produced from an everyday object of a kind commonly carried on the person”.

It is now illegal to sell that kind of weapon in the UK.

I have been speaking to Mr Raheel Butt, who runs an organisation in the borough of Newham called Community and Rehabilitation Solutions. He is from a gang background and has served a prison term, but since he left prison in 2012, he has made it his mission to stop others making the mistakes that he made. He has pointed out to me that a lot of the weapons being used are made by young people on the streets of our cities, as my hon. Friend the Member for Gedling (Vernon Coaker) pointed out, are being bought online, a lot of them from eBay.

I should say that since I raised these points in Committee, disguised knives have been removed from eBay, although they can still be freely found on other websites. Mr Butt tells me that it is on those sites that those who are killing young people are getting their weapons. However, is it illegal for a website with a UK domain name to advertise weapons that are illegal to buy in the UK? Surely the answer ought to be yes, yet there is some uncertainty about that. If I understood her correctly, the Minister advised us in Committee that she thought that it was unlawful for an illegal weapon to be sold in that way, but then she wrote to us and said, “Actually, no. There is a defence available, because these are simply platforms.” My argument is that selling a weapon on a UK website that it is illegal to purchase in the UK should be illegal. That is the aim of my new clause 23.

Several hon. Members rose—

Mr Speaker: I am sure that the hon. Member for Sheffield Central (Paul Blomfield) intends to detain the House for no longer than three minutes and possibly for less.

Paul Blomfield (Sheffield Central) (Lab): I will do my very best, Mr Speaker.

I rise to speak to my amendments 8, 9 and 10, to which a number of colleagues have referred. I fully support the objectives of the Bill. We have a serious problem with knife crime. We need serious solutions,
but we need the right solutions. Knife manufacturers in my constituency are seriously concerned about the possible unintended consequences of clause 17, which prohibits the delivery of bladed products to residential properties, and believe that it will not provide the right solution. I raised this issue with the Home Secretary on Second Reading and wrote to him afterwards. I appreciate the response from the Minister, who said that the Government do not intend to stop people purchasing knives online or to stop manufacturers selling their products online.

I have tabled my amendments in that spirit. Large retailers with regional shop networks might well be able to deal with age-verified collection easily and with little impact on cost, but smaller manufacturers, which use the internet to reach niche markets, will struggle. They are acutely aware of the risks of knife crime and they already take proactive steps and have stringent controls to tackle the issue. They are responsible companies. They are traders whom we can trust. They support measures that would make such safeguards widespread across the industry.

The Bill makes an exception for bladed products used for sporting purposes. Under those provisions, a sword could be delivered to a residential property, but one of my local manufacturers’ steak knives could not, and nor could the decorating tools that my hon. Friend the Member for Redcar (Anna Turley) mentioned earlier.

Much more could be done to develop effective age verification for all sorts of online activities, but a trusted trader scheme could tackle the specific issue of knife sales. Online sales actually offer a better audit trail and record keeping than face-to-face sales. The Minister said earlier that the Government were interested in working with the industry on a voluntary basis to tackle problems in relation to retail sales in shops. If she is prepared to work with the retail sector, why not with the manufacturing sector? Will she agree to meet me and representatives of the industry to discuss how a trusted trader scheme might work, so that we can amend the Bill as it progresses? If she will, I will be happy to withdraw my amendments.

5.45 pm

Vicky Foxcroft: I will try to be brief to ensure that everybody has a chance to speak. I served on the Bill Committee and am grateful for another opportunity to speak on the Bill’s content. As many of my hon. Friends know, I also chair the cross-party Youth Violence Commission, so this a subject of significant interest to me.

I will use my time to pick up on two main points. The first is my disappointment that new clause 6 was rejected in Committee. It calls for a report on the causes behind youth violence with offensive weapons within six months of the Bill receiving Royal Assent. Although many of the Bill’s provisions are to be welcomed, I am concerned that the siloed approach of dealing with offensive weapons in isolation will do little to tackle serious violence. From my work with the commission, I know that the increase in youth violence that we are seeing is the result of a vulnerable cohort of young people being denied the support and multi-agency early intervention work necessary to prevent them from falling into a downward spiral.

New clause 6 calls for the Home Secretary to examine the effect not only of the reduction in police numbers on the levels of youth violence with offensive weapons, but of the reduction in public spending on children’s services, schools and local authorities. When the Minister was making her opening remarks, she struggled to stick within the confines of the Bill and touched on all these areas, so this new clause could be extremely useful to her.

My second point concerns the sale of knives. As recently as September, Lewisham police responded to reports of 40 young people storming a branch of Poundland in my neighbouring constituency of Lewisham East, with the intention of stealing knives and sharp implements. There is the Minister’s evidence. That is one of the reasons that she should implement this proposed legislation.

In the Make Your Mark ballot, more than 1.1 million young people voted for knife crime as their top priority. I echo the comments of my hon. Friend the Member for Gedling (Vernon Coaker); we should be talking about this issue every single week in this Chamber. This issue is so important—our young people and our communities say it is important. If the Minister accepts one measure tonight, I urge her to accept new clause 6, so that we can thoroughly debate the issue.

Preet Kaur Gill: I have tabled an amendment to this Bill that has cross-party support. Members of all parties and I were concerned that the Bill would place severe restrictions on the ability of members of the Sikh community to observe and practise their faith. I thank the Minister for her clarity and assurances today, and I will not press my amendment.

I believed these consequences would have been inadvertent and perhaps due to a lack of consultation with the Sikh community, so I welcomed the opportunity to meet the Secretary of State and the Minister to outline these concerns and to clarify their position. Following these meetings, I was pleased to see a desire to avert what would have been the Bill’s damaging consequences for the Sikh community. I welcome amendments 59, 60 and 61, which are the Government’s own amendments to avoid that situation, and I fully support them.

On behalf of the all-party parliamentary group for British Sikhs, I would like to record my appreciation to the Secretary of State and the Minister for listening to the concerns raised by the APPG and the Sikh Federation about the Sikh kirpan. I thank my right hon. Friend the Member for Wolverhampton South East (Mr McFadden) and the right hon. and learned Member for Beaconsfield (Mr Grieve) for their support in this process. I will briefly outline the importance of the Government amendments in ensuring that the Bill will maintain the status quo in continuing to legally safeguard the sale, possession and use of large kirpans.

I should say at the outset that the Sikh community in the UK is fully behind tightening the law on offensive weapons. We have all been appalled by the toll that knife crime is taking on innocent young lives, and every Member supports a robust and just system of law to crack down on this very serious problem. That system of law should include the measures in the Bill on restriction of sales of particular types of knives and appropriate punishments. It must also be paired with early intervention to tackle youth violence and the police being provided with adequate resources to tackle violent crime. We cannot go on with the level of knife crime that is taking place in many parts of the country.
OBSERVANCE OF THE SIKH FAITH FOR PRACTISING SIKHS

Observance of the Sikh faith for practising Sikhs requires adherence to keeping what we call the five Ks, one of which is to wear a kirpan. Larger kirpans are used on many religious occasions such as during all Sikh wedding ceremonies up and down the country, during nagar kirtans in April and November, in front of the holy scriptures, in gurdwaras and in homes, and during gatka demonstrations where thousands take part. I could go on.

The Bill in its current incarnation would—I paraphrase from the policy equality statement produced by the Home Office in June 2018—place limits on the use and availability of these ceremonial kirpans that can be found in virtually all Sikh households. The current language would expose Sikhs who have kept kirpans at home for years to prison sentences of up to a year for doing nothing other than following one of the key tenets of our faith and the Sikh way of life. There are strict rules about the carrying and use of the kirpan. It is strictly ceremonial and must never be used in an aggressive, confrontational or offensive manner. These rules are respected and understood by the Sikh community.

Our amendment sought to amend the Bill to allow the use of ceremonial kirpans as they have been used, with no threat to public safety or public order, up until now. The Government’s amendment does nothing other than to maintain the status quo. I am pleased to support it, alongside the understanding that there will be an accompanying set of documentation that explicitly mentions the kirpan and therefore reflects the importance of not criminalising the Sikh community for the sale or possession of large kirpans.

LYN BROWN: I want to focus on new clause 6 as well. Although we all know how falling police numbers are impacting on crime in our communities, we also need to look at other things, including cuts to children’s services. I have heard directly from parents who are most affected by social workers no longer having the time to build proper relationships with families, or not having had the right training so they do not recognise when a child is being groomed by criminals in a gang and instead blame the family and criminalise the child.

I am happy to see that this issue is being dealt with through training, as recognised in the new protocol against criminalising children this month. However, I am concerned, yet again, about whether any additional resources will be available to fund the big programme of training we desperately need and to monitor its implementation. The fact is that when public services are underfunded, that makes it easier for the county lines gangs to exploit local children, and that exploitation breeds violence. I seek further measures that would ensure that the police and courts focus on the true perpetrators of county lines violence—those who control the gangs and reap the profits. The Minister talked about the reported arrest of 500 groomed children or young adults, but, with all due respect, that will not change the nature of the county lines infiltration into our communities. Only by arresting the groomers—those who are reaping the massive financial rewards at the top of the tree—will the game be changed.

We need to support youth workers who prevent grooming and violence by working with children of all ages, all year round. We need training for every professional who works with young people, from the police to social workers to teachers, so that they understand the threat of gang grooming and the tactics that groomers use. We need a third-party reporting system that young people will actually use; they will not do so at the moment because they believe that the police can get information without anyone being put in danger. We have to make public authorities responsible for protecting people who are at risk because they have done the bravest of things and given information to the authorities. We need to support them and their families with a path to a secure future. We need to take stronger action against incitement online. We need to support communities after the trauma of a young death.

This Bill is a start, but it ain’t the panacea that my community so desperately needs. We need further legislation from this Government to tackle the real issues that are afflicting our communities.

SARAH JONES: I rise to speak in support of new clause 6. I was pleased to serve on the Public Bill Committee, and I am glad to see the Bill finally coming back to the Floor of the House. My hon. Friend the Member for Gedling (Vernon Coaker) spoke passionately about why new clause 6 is so important. Simply put, it says that the Secretary of State must lay a report before Parliament on the causes of youth violence with offensive weapons. We are trying to fix a problem, and we have to understand what that problem is before we can fix it.

I want to make two points. The first is about data. We do not know where the people who commit these offences get their knives from. We do not know at what exact time of day these knife crimes are committed, although we have some evidence. We do not know how many people are involved in gangs who commit knife offences. That is really important, because a very small number—somewhere between 3% and 25%, depending on what we measure—of people who commit knife offences are in gangs. There is a lot that we do not understand about what is going on in this situation that we are trying to fix.

The second important part of the new clause relates to evidence. There is a growing consensus that there is an epidemic of violence—the Secretary of State has said it, and the Minister said it today. It is spreading out across the country. Violence breeds violence. There is evidence that can fix this growing national problem. We know from what has worked in other areas how effective interventions can be when they are evidence-based. I think of my friend, Tessa Jowell, whose memorial service you and I attended recently. Mr Speaker. Her interventions in introducing Sure Start and the teenage pregnancy reduction strategy were evidence-based and had a real impact. That is what we need to seek to do.

My final point is that when we look at the evidence, we need to look at the increasing number of children who are being excluded and finding themselves lost to the system. If we are trying to fix this national problem, why on earth would anyone want to vote against this new clause?

VICTORIA ATKINS: I thank all Members for a most interesting and informative debate. I want to clarify a point made by the hon. Member for Belfast
East (Gavin Robinson) about the applicability of measures on corrosive substances in Northern Ireland. Those measures are within scope for Northern Ireland. It is possible for them to extend to Northern Ireland, and I will ask officials to look into that with their Northern Irish colleagues.

I thank the right hon. Member for East Ham (Stephen Timms) for his contribution on new clause 23. Anyone who sells or hires, offers for sale or hire, exposes or has in his possession for the purpose of sale or hire anything contained in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 is guilty of an offence. That applies to not only people but bodies corporate. Where the user of a website places advertisements for anything contained in the order on that website, the website service provider may be able to rely on the defence contained in the order on that website, the website who sells items on it directly would be likely to be caught under the wording of the legislation. Where the provider of the website is enabling advertisements to be placed by others, the defence under regulation 19 may be available. That is an awful lot of legalese, but this discussion is timely, as the Government prepare the online harms White Paper.

I turn to amendments 8, 9 and 10, tabled by the hon. Member for Sheffield Central (Paul Blomfield). Age verification checks cannot be done only at the point when the seller is processing the sale and preparing the item to be dispatched. Checks also need to be done when the item is handed to the purchaser. That is why we are stopping bladed products—namely, articles with a blade capable of causing serious injury—from being delivered to residential addresses. The amendments would undermine what the Bill is trying to achieve and seem to introduce some sort of validation scheme by the Government to enable certain online sellers—those awarded trusted seller status—to deliver bladed products to residential addresses. That goes against what the Bill seeks.

Paul Blomfield: Will the Minister give way?

Victoria Atkins: I am conscious of the time, so I will not. I am always happy to meet the hon. Gentleman, but it is important to make it clear that we do not believe his amendments fit in with the overall structure of the Bill.

Finally, on new clause 6, we published the serious violence strategy this year, which already takes a public health approach, stressing the importance of early intervention and prevention through a multi-agency approach to tackle the root causes. We appreciate the need to keep parliamentarians informed of progress on delivery of the strategy, but we do not believe that a statutory requirement is necessary. We believe that scrutiny will be provided by the serious violence taskforce and the House, and we hope that the House can contribute its views on this very important piece of legislation.

The Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the clause be read a Second time. Question agreed to.

New clause 16 accordingly read a Second time, and added to the Bill.

The Speaker then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

New Clause 17

Search for corrosive substance on school or further education premises

“(1) This section applies if a constable has reasonable grounds for suspecting that an offence under section [Offence of threatening with an offensive weapon etc in a private place], as that section applies to corrosive substances, is being or has been committed on school premises or further education premises.

(2) The constable may enter and search the premises and any person on them for a corrosive substance.

(3) If in the course of a search under this section a constable discovers a substance which the constable has reasonable grounds for suspecting to be a corrosive substance, the constable may seize and retain it.

(4) The constable may use reasonable force, if necessary, in the exercise of the power of entry conferred by this section.”—(Victoria Atkins.)

See the explanatory statement for NC16.
Brought up, and added to the Bill.

New Clause 6

Report on the causes behind youth violence with offensive weapons

“(1) The Secretary of State must, within 6 months of this Act receiving Royal Assent, lay a report before Parliament on the causes behind youth violence with offensive weapons.

(2) The report under subsection 1 must consider, but is not limited to,

(a) The effect of the reduction in police numbers on the levels of youth violence with offensive weapons;

(b) The effect of the reduction in public spending on—

(i) children’s services,

(ii) Sure Start,

(iii) state-maintained schools,

(iv) local authorities,

(v) youth offending teams,

(vi) Border Force, and

(vii) drug treatment programmes.

(3) The report under subsection 1 and the considerations under subsection 2 must consider the benefits of the public health approach to violence reduction.

(4) The report must contain all departmental evidence held relating to subsection 2 and 3.”—(Louise Haigh.)

This new clause would require the Secretary of State to review the causes behind youth violence with offensive weapons.
Brought up.
Question put. That the clause be added to the Bill.

The House divided: Ayes 272, Noes 303.

Division No. 270 [6.1 pm] AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian

Division No. 270 [6.1 pm] NOES

Brought up and added to the Bill.
Beckett, rh Margaret  
Benn, rh Hilary  
Berger, Luciana  
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  
Burnon, 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  
Champion, Sarah  
Chapman, Douglas  
Charalambous, Barnabos  
Coaker, Vernon  
Coffey, Ann  
Cooper, Julie  
Cooper, Rosie  
Cooper, rh Yvette  
Corbyn, rh Jeremy  
Cowan, Ronnie  
Coyle, Neil  
Crausby, Sir David  
Creagh, Mary  
Creasy, Stella  
Crudas, Jon  
Cryer, John  
Cunningham, Alex  
Cunningham, Mr Jim  
Daby, Janet  
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  
Eagle, Ms Angela  
Eagle, Maria  
Edwards, Jonathan  
Efford, Clive  
Elliott, Julie  
Elman, Dame Louise  
Elmore, Chris  
Esterson, Bill  
Evans, Chris  
Farrelly, Paul  
Fellows, Marion  
Field, rh Frank  
Fitzpatrick, Jim  
Fletcher, Colleen  
Flint, rh Caroline  
Fovargue, Yvonne  
Foxley, Vicky  
Frith, James  
Furniss, Gill  
Gaffney, Hugh  
Gardiner, Barry  
George, Ruth  
Gethins, Stephen  
Gibson, Patricia  
Gill, Pooet Kaur  
Glindon, Mary  
Godsiff, Mr Roger  
Goodman, Helen  
Grady, Patrick  
Grant, Peter  
Green, Kate  
Greenwood, Lilian  
Greenwood, Margaret  
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, Sir Mark  
Hendry, Drew  
Hepburn, Mr Stephen  
Hermon, Lady  
Hill, Mike  
Hillies, Meg  
Hobhouse, Wera  
Hodge, rh Dame Margaret  
Hodgson, Mrs Sharon  
Hollern, Kate  
Hopkins, Kelvin  
Hosie, Stewart  
Howarth, rh Mr George  
Hussain, Imran  
Jarvis, Dan  
Johnson, Diana  
Jones, Darren  
Jones, Gerald  
Jones, Graham  
P.  
Jones, Helen  
Jones, rh Mr Kevan  
Jones, Sarah  
Jones, Susan Elan  
Kane, Mike  
Keeley, Barbara  
Khan, Afsal  
Kilren, Ged  
Kinnock, Stephen  
Kyle, Peter  
Laird, Lesley  
Lake, Ben  
Lamb, rh Norman  
Lavery, Ian  
Law, Chris  
Lee, Karen  
Leslie, Mr Chris  
Lewis, Clive  
Lewis, Mr Ivan  
Linden, David  
Lloyd, Stephen  
Lloyd, Tony  
Lucas, Caroline  
Lucas, Ian C.  
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, Stuart  
C.  
McDonnell, rh John  
McFadden, rh Mr Pat  
McGinn, Conor  
McGovern, Alison  
McInnes, Liz  
McKinnell, Catherine  
McMahon, Jim  
Mearns, Ian  
Miliband, rh Edward  
Monaghan, Carol  
Moon, Mrs Madeleine  
Moran, Layla  
Morden, Jessica  
Morgan, Stephen  
Morris, Grahame  
Nandy, Lisa  
Newlands, Gavin  
Norris, Alex  
O’Hara, Brendan  
O’Mara, Jared  
Onasanya, Fiona  
Onwurah, Chi  
Osamor, Kate  
Owen, Albert  
Pearce, Teresa  
Pennycook, Matthew  
Perkins, Toby  
Phillips, Jess  
Phillipson, Bridget  
Platt, Jo  
Pollard, Luke  
Pound, Stephen  
Powell, Lucy  
Qureshi, Yasmin  
Rashid, Faisal  
Rayner, Angela  
Reed, Mr Steve  
Rees, Christina  
Reeves, Ellie  
Reynolds, Emma  
Reynolds, Jonathan  
Rimmer, Ms Marie  
Rodda, Matt  
Rowley, Danielle  
Ruanue, Chris  
Russell-Moyle, Lloyd  
Shah, Naz  
Sharma, Mr Virendra  
Sheerman, Mr Barry  
Sherriff, Paula  
Shuker, Mr Gavin  
Siddiq, Tulip  
Skinner, Mr Dennis  
Slaughter, Andy  
Smee, Ruth  
Smith, Angela  
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  
Stringer, Graham  
Sweeney, Mr Paul  
Tami, rh Mark  
Thewliss, Alison  
Thomas, Gareth  
Thomas-Symonds, Nick  
Thornberry, rh Emily  
Timms, rh Stephen  
Turley, Anna  
Turner, Karl  
Twygg, Stephen  
Twist, Liz  
Umunna, Chuka  
Vaz, rh Keith  
Vaz, Valerie  
Walker, Thelma  
Watson, Tom  
West, Catherine  
Western, Matt  
Whitehead, Dr Alan  
Williams, Dr Paul  
Williamson, Chris  
Wilson, Phil  
Wisart, Pete  
Woodcock, John  
Yasin, Mohammad  
Zeichner, Daniel  

**Tellers for the Ayes:**  
Thangam Debbonaire and Stephanie Peacock  

**NOES**  
Amess, Sir David  
Andrew, Stuart  
Argar, Edward  
Atkins, Victoria  
Bacon, Mr Richard  
Badenoch, Mrs Kemi  

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AGGRAVATED OFFENCE OF POSsessING A CORROSIVE SUBSTANCE OR DANGEROUS KNIFE

“(1) A person is guilty of an aggravated offence of possessing a corrosive substance in a public place if—

(a) they commit an offence under section 6 of this Act, and

(b) at the time of committing the offence, the offender was—

(i) the driver of a moped or motor bicycle, or

(ii) a passenger of a moped or motor bicycle.

(2) A person guilty of an aggravated offence of possessing certain dangerous knives if—

(a) commit an offence under section 1A of the Restrictions of Offensive Weapons Act 1959, as amended, and

(b) at the time of committing the offence, the offender was—

(i) the driver of a moped or motor bicycle, or

(ii) a passenger of a moped or motor bicycle.

(3) A person guilty of an aggravated offence under this section is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding two years, to a fine or both; and

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding two years, to a fine or both.

(4) For the purposes of this section, ‘moped’ and ‘motor bicycle’ have the same meanings as in section 108 of the Road Traffic Act 1988.”—(Tulip Siddiq.)

Brought up.

Question put, That the clause be added to the Bill.

The House divided: Ayes 235, Noes 300.

Division No. 271] [6.16 pm

AYES

Abbott, Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amess, Nick
Antoniazzi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Bettes, Ms Clive
Blackman-Woods, Dr Roberta
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, Ms Dianne
Caddick, Ruth
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Champion, Sarah
Charalambous, Bambos
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Coyle, Neil
Crausby, Sir David
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
David, Wayne
Davies, Geraint
De Cordova, Marsha
De Piero, Gloria
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Dame Louise
Elmore, Chris
Etterston, Bill
Evans, Chris
Farrelly, Paul
Field, rh Frank
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Fovargue, Yvonne
Foxcott, Vicky
Fricht, James
Furniss, Gill
Gaffney, Hugh
Gardiner, Barry
George, Ruth
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwyne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Heppburn, Mr Stephen
Heron, Lady
Hill, Mike
Hiller, Meg
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Holern, Kate
Hopkins, Kelvin
Howarth, rh Mr George
 Hussain, Imran
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Khan, Afzal
Kilullen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lavery, Ian
Lee, Karen
Leslie, Mr Chris
Lewis, Clive
Lewis, Mr Ivan
Lloyd, Tony
Lucas, Caroline
Lucas, Ian C.
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
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
McGinn, Conor
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
Means, Ian
Miliband, rh Edward
Moon, Mrs Madeleine
Morden, Jessica
Morgan, Stephen
Morris, Graham
Nandy, Lisa
Norris, Alex
O’Mara, Jared
Onasanya, Fiona
Onurwah, Chi
Osamor, Kate
Owen, Albert
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Philipson, Bridget
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Roddia, Matt
Rowley, Danielle
Ruan, Chris
Russell-Moyle, Lloyd
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sherriff, Paula

Tellers for the Noes:
Rebecca Harris and Amanda Milling
361 362
Chishti, Rehman
Caulfield, Maria
Cash, Sir William
Cairns, rh Alun
Burt, rh Alistair
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Churchill, Jo
Thornberry, rh Emily
Timms, rh Stephen
Turley, Anna
Turner, Karl
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, rh Keith
Vaz, Mr Dave
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel
Gamier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
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 Sir John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollowbone, Mr Philip
Holloway, Adam
Howell, John
Hughes, Eddie
Hunter, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
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, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh 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
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
Maynard, Paul
McLoughlin, rh Sir Patrick
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merrim, Huw
Metcalf, Stephen
Miller, rh Mrs Maria
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
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Oford, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Perry, rh Claire
Philip, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
NOES
Clark, Colin
Clarke, rh Mr Kenneth
Clarke, rh Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Double, Steve
Dowden, Oliver
Dowell, Vivian
Dray, Richard
Dugrid, 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
Evanno, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Mark
Ford, Vicky
Foster, Kevin
Frazer, Lucy
Freeman, George
Frey, rh Richard
Fysh, Mr Marcus
Gale, Sir Roger
Glover, Mr Shaun
Gog, Mr John
Goggin, Andrew
Golding, rh Andrew
Gove, rh Michael
Gover, rh Andrew
Gove, Mr Michael
Graham, Luke
Graham, Plan
Greb, rh John
Green, Chris
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
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Hammond, rh Mr Philip
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Hinds, rh Damian
Hoare, Simon
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Hollowbone, Mr Philip
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Howell, John
Hughes, Eddie
Hunter, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
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Masterton, Paul
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Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Oford, Dr Matthew
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Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Perry, rh Claire
Philip, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Clause 24

PROHIBITION ON THE POSSESSION OF OFFENSIVE WEAPONS

Amendments made: 57, page 24, line 16, after “applies” insert “in private”

This amendment and Amendment 58 limit the new offence of possession of an offensive weapon in section 141(1A) of the Criminal Justice Act 1988 to possession in private. This is to prevent overlap with existing offences.

Amendment 58, page 24, line 32, at end insert—

‘(1C) For the purposes of subsection (1A) as it has effect in relation to England and Wales, a person possesses a weapon to which this section applies in private if the person possesses the weapon in a place other than—

(a) a public place,
(b) school premises,
(c) further education premises,
or
(d) a prison.

(1D) For the purposes of subsection (1A) as it has effect in relation to Scotland, a person possesses a weapon to which this section applies in private if the person possesses the weapon on domestic premises.

(1E) For the purposes of subsection (1A) as it has effect in relation to Northern Ireland, a person possesses a weapon to which this section applies in private if the person possesses the weapon in a place other than—

(a) a public place,
(b) school premises, or
(c) further education premises.

(1F) In subsections (1C) to (1E)—

“domestic premises” means premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling);

“further education premises”: in relation to England and Wales, means land used solely for the purposes of—

(a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992),
or
(b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010), excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy; “further education premises”, in relation to Northern Ireland, means land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/1772 (NI 15)) excluding any land occupied solely as a dwelling by a person employed at the institution;

“prison” includes—

(a) a young offender institution,
(b) a secure training centre, and
(c) a secure college;

“public place” includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise;

“school premises” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and

“school” has the meaning given by—

Question accordingly negatived.

Clause 13

CONSEQUENTIAL AMENDMENTS RELATING TO CORROSIVE SUBSTANCES

Amendment made: 56, page 12, line 34, at end insert—

‘(4A) In Schedule 9 to the Criminal Procedure (Scotland) Act 1995 (certificates as to proof of certain routine matters) at the end insert—

A person authorised to

do so by the Scottish Ministers

is of a particular kind is treated as sufficient evidence of that fact.” (Victoria Atkins.)

Sections 2(1), (3)(2) and (3) and 4(4) (offences relating to sale and delivery of corrosive products)

A person authorised to

in relation to any particular product which is identified in the certificate—

(a) the name and Chemical Abstracts Registry number of that product, or
(b) the name and Chemical Abstracts Registry number of a substance contained in that product and the concentration of that substance in that product.

Sections 2(1) (offence of having corrosive substance in a public place)

A person authorised to
do so by the Scottish Ministers

That the particular substance identified in the certificate is a corrosive substance within the meaning of section 6(9) of the Offensive Weapons Act 2018.”
Clause 25

Prohibition on the possession of offensive weapons: supplementary

Amendments made: 59, page 26, line 34, at end insert—

(ii) in the words following paragraph (b) for “in religious ceremonies” substitute “for religious reasons”, and

This amendment modifies the defence to the existing offence of manufacturing or supplying an offensive weapon as it applies to a sword with a curved blade of 50 centimetres or over in length. The effect is that the defence applies where the conduct in question is for making the weapon available for use for religious reasons and not merely for the purpose of participating in religious ceremonies.

Amendment 60, page 26, line 38, leave out “any conduct of that person relating to”

This amendment and Amendment 61 modify the defence to the new offence of a possession of an offensive weapon as it applies to a sword with a curved blade of 50 centimetres or over in length. The effect is that the defence applies to possession for religious reasons and not merely for the purpose of participating in religious ceremonies.

Amendment 61, page 26, line 40, leave out from “that” to end of line 41 and insert “the person possessed the weapon for religious reasons only.”—(Victoria Atkins).

Clause 40

Extent

Amendments made: 25, page 37, line 17, leave out “and 29” and insert “29, (Offence of threatening with an offensive weapon Etc in a private place) and (Search for corrosive substance on school or further education premises)”

See the explanatory statement for NC16.

Amendment 62, page 37, line 23 [Clause 40], at end insert—

“(i) section13(4A);”—(Victoria Atkins).

See the explanatory statement for Amendment 56.

Clause 41

Commencement

Amendment made: 63, page 38, line 12, at end insert—

“(i) section13(4A);”—(Victoria Atkins).

See the explanatory statement for Amendment 56.

Mr Speaker: Consideration completed. I will now suspend the House for no more than five minutes in order to make a decision about certification. The Division bells will be rung two minutes before the House resumes. Following my certification, the Government will table the appropriate consent motion, copies of which will be made available in the Vote Office and will be distributed by Doorkeepers.

6.31 pm

Sitting suspended.

6.38 pm

On resuming—

Mr Deputy Speaker (Sir Lindsay Hoyle): I can now inform the House that the Speaker has completed certification of the Bill, as required by the Standing Order. Copies of the final certificate will be made available in the Vote Office and on the parliamentary website.

Under Standing Order No. 83M, a consent motion is therefore required for the Bill to proceed. Copies of the motion are available in the Vote Office and on the parliamentary website and have been made available to Members in the Chamber. Does the Minister intend to move the consent motion?

Amanda Milling (Cannock Chase) (Con) indicated assent.

The House forthwith resolved itself into the Legislative Grand Committee (England and Wales) (Standing Order No. 83M).

[Sir Lindsay Hoyle in the Chair]

6.40 pm

The Chairman of Ways and Means (Sir Lindsay Hoyle): I remind hon. Members that if there is a Division, only Members representing constituencies in England and Wales may vote. As the knife has fallen, there can be no debate.

Motion made, and Question put forthwith (Standing Order no. 83M(5)).

That the Committee consents to the following certified Clauses and Amendments to the Offensive Weapons Bill—

Clauses certified under SO No. 83L(2) as relating exclusively to England and Wales and being within devolved legislative competence

Clauses 8 to 10, 14, 28 and 29 of the Bill as amended in Committee (Bill 265), and New Clauses NC16 and NC17 added on Report.

Amendments certified under SO No. 83L(4) as relating exclusively to England and Wales and being within devolved legislative competence

Amendment 56 made on report to Clause 13 of the Bill as amended in Committee (Bill 265).—(Amanda Milling).

Question agreed to.

The occupant of the Chair left the Chair to report the decision of the Committee (Standing Order No. 83M(6)).

The Deputy Speaker resumed the Chair; decision reported.

Third Reading

6.41 pm

The Secretary of State for the Home Department (Sajid Javid): I beg to move, that the Bill be now read the Third time.

As the House is all too aware, we have seen a rise in violent crime, including knife crime and homicides, in recent years. That is why there is an urgent need for us to tackle the whole issue of serious violence and see what more we can do. I know that Members across the House will agree that we must do all we can to try to put
[Sajid Javid]

an end to the bloodshed on our streets, and we must do everything in our power to try to bring more perpetrators to justice. I believe that the Offensive Weapons Bill is an incredibly important part of our response. It provides additional powers for the police to tackle serious violence. It will prevent the sale of corrosive products to young people, and make it a crime to possess corrosive products in public with no good reason. It will make it harder for young people to purchase deadly weapons, and make the possession of knuckle dusters, zombie knives and death stars illegal, even in private premises. Sellers will be required by law to impose vigorous age verification measures to prove that anyone purchasing blades or corrosives is over the age of 18, or they will face prosecution.

Simply put, the Offensive Weapons Bill is all about preventing young people from getting their hands on dangerous weapons such as knives and acid, and causing irreparable damage.

The Bill has of course, as many Bills do, raised some tricky issues. We recognise, for instance, that knives, corrosives and firearms are not in themselves offensive weapons, and that they have many lawful and legitimate uses in people's everyday lives. That means that a balance needs to be struck between protecting the public and ensuring that legitimate activities are in no way unduly affected. I believe that the Bill strikes the right balance.

We have made some important changes to the Bill after debate. So, for example, we have made it an offence to threaten someone with an offensive weapon in private as well as in public, and I thank my hon. Friend the Member for Shipley (Philip Davies) for first suggesting such a change and then helping us to work that through. We have also ensured that our museums are able to continue to keep important examples of historic knives in their collections, and we have made changes to reflect the different legal system in Scotland.

We have also addressed the concerns raised by the Sikh community, and by the hon. Member for Birmingham, Edgbaston (Preet Kaur Gill), who I was pleased to meet to discuss the issue regarding the private and public ownership of kirpans.

During the Bill's progress, a number of important points have been raised on firearms, which we think merit further consideration. I thank my hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) for his work on this matter. I will be looking to launch a public consultation to consider those issues in further detail.

Ultimately, I urge Members to focus on the important changes that this Bill will bring about, and I am in no doubt that the Bill is key to tackling violent crime. The public rightly want violent crime to be dealt with properly and to be dealt with urgently. They want to feel that their neighbourhoods and their children are safe, and this Bill will help to ensure just that.

I commend the Bill to the House.

6.45 pm

Louise Haigh: Labour will not oppose the limited measures in this Bill tonight, but we regret how very limited the measures are. This country is facing a contagion of serious violence and, faced with that challenge, the Government have introduced a Bill that barely tinkers around the edges. We have record levels of knife crime, the largest continuous rise of violent crime on record, and high-harm offences are all on the rise. The number of unsolved crimes now stands at more than 2.1 million. We have a national crisis in detective numbers and a Government who are unwilling to take the action necessary to plug it. Some 21,000 officers, 6,800 PCSOs and 18,000 police staff have gone yet, rather than give the police the resources they need to launch a national offensive against violent crime, the Government instead seem intent on lumbering the police with a bill for hundreds of millions of pounds of pension liabilities, which the National Police Chiefs Council warns could lead to the loss of another 10,000 officers.

The levels of serious violence are not a spike; they are part of a now five-year trend. Behind the figures are stories of young lives destroyed and families torn apart. The serious violence strategy and the Offensive Weapons Bill stand as the Government's response—it is nowhere near enough. It does not even begin to scratch the surface. As long as they insist on underfunding our police, nobody can say that they are taking serious violence seriously.

With regard to the limited provisions of the Bill, Labour has sought to enhance protections on the sale and possession of knives, to close dangerous loopholes in our gun laws that have been left open for too long, to force the Home Office to release evidence on the consequences of cuts to vital services for the levels of serious violence, and to advocate for the rights of victims of crime, which have been neglected, despite repeated manifesto promises from the Conservative party. There is no doubt that the Bill would have been enhanced by the inclusion of those measures. It is a matter of regret that important issues in relation to serious violence and the rights of victims have not been accepted by this Government.

Eddie Hughes (Walsall North) (Con): I am slightly confused. I thought that, during the opening speeches, Labour Members suggested that the Government should have moved quicker with this Bill and that they are disappointed that there have been some delays, yet they do not seem intent on welcoming any elements of the Bill. They just seem to regret the excellent progress that we have made.

Louise Haigh: We supported this Bill on Second Reading and in Committee, and we supported the Home Secretary's attempt to ban the .50-calibre rifle, on which the Government have now capitulated to their Back Benchers in the face of overwhelming evidence from police, security and intelligence officials. We backed the measures in the Bill; it is a shame that the Home Secretary did not back his own measures.

We will not oppose these limited measures tonight, but we must be clear that they will not stem the tide of serious crime without measures to address its root causes and without a recognition from the Government of their own culpability in creating the conditions for crime to thrive. With a vulnerable cohort of young people without the support they need as services fall away and an ailing police force unable proactively to gather intelligence and build community relations, and unable adequately to investigate crimes that have taken place, this Government are unwilling and unable to
address the consequences of their own actions. As such, this Bill can never meet its objective to bear down on violent crime.

6.48 pm

Stuart C. McDonald: I commend the Minister for steering the Bill through the House of Commons, and I commend the shadow Minister and other Opposition Members for the constructive way in which they have probed and questioned. I thank all the Committee and research staff who have supported our work as helpfully as ever.

The Home Affairs Committee recently launched its new inquiry into serious violence, and it heard powerful and moving evidence from the parents of young people who have lost their lives in stabbings and shootings. It was a timely reminder, if one was needed, of the awful impact that knives, firearms and other offensive weapons are still having on too many.

Obviously, the provisions in this Bill will not stop knife crime and shootings, but they will surely save some lives, as we can see when we can look at the case of Bailey Gwynne, the 16-year-old from Aberdeenshire who was murdered by another young teenager who had arranged online for a knife to be delivered and left at a shed behind his family’s house. That prompted a letter to the Home Office from the Justice Secretary in Scotland seeking a tightening of the rules around online sales and delivery. Delivery like that would, we hope, no longer be possible.

Officials in Edinburgh and at the Home Office have worked closely on this Bill, and we welcome the results, not only the provisions on the online sale of knives, but the new provisions on corrosive substances. We have, however, expressed our concern today about changes that have been made to the Bill in relation to firearms.

As we all know, the Bill is not a game-changer, and I do not think anyone can pretend it will be. Much more important are efforts to stop individuals feeling the need or desire to carry and use knives and other weapons in the first place. Strategies and policies that work require support, such as the successful violence reduction unit based in Glasgow, which has been mentioned earlier in debates. In short, we need proper resourcing of public services by the Chancellor—that would be a genuine game-changer.

6.50 pm

Eddie Hughes (Walsall North) (Con): One problem we often have is that the Opposition parties are critical of some of the legislation we bring forward. That is when they see it in isolation. This Government are making great progress in a number of Departments, on a number of fronts, which collectively are addressing crime. That applies to this Bill as it does to a Bill considered earlier outlining our reforms of the judiciary, which provides a great opportunity to change the allocation of responsibilities for staff, so that we can streamline the way the service works and make sure—

Eddie Hughes: My hon. Friend makes an important point and I agree with it completely. The Express & Star newspaper that covers my constituency ran a campaign to ban zombie knives, so I was keen to support the Bill in its earlier stages and to champion that newspaper’s campaign, which has proved invaluable. The newspaper does a great job of highlighting issues locally, and it must be good for it to see that this Government respond to those needs. My hon. Friend is right to say that there are many strands to tackling crime—and not only dealing with it once it has been committed; this Government also invest considerably in preventing crime. I came into the House from the YMCA, where I worked with young homeless people who had come out of prison. I was aware of the work the Government had done with them, supporting them in prison in order to improve their academic attainment, and allowing them to learn new skills and services that would help them find employment when they left prison. Obviously, it was unfortunate that some of those people then ended up needing the services of YMCA, but I say again that the Government support supported housing as well.

6.53 pm

Mr Marcus Fysh (Yeovil) (Con): I just want to put on the record my thanks to the Government for bringing this excellent Bill through. I know that the police in Yeovil are very keen to have these measures in place so that they can make more arrests, get more prosecutions and, in particular, get knives off the street. We have had some terrible incidents in Yeovil recently, and this Bill will make a genuine difference in trying to combat the awful scourge of knife crime.

6.53 pm

Gavin Robinson: I commend Ministers for their efforts on this Bill. Although the Secretary of State introduced the Third Reading debate, I engaged with the Under-Secretary of State for the Home Department, the hon. Member for Louth and Horncastle (Victoria Atkins) throughout this process. I had never served on a Bill Committee and had never had the joy of going through the intricate detail of a Bill such as this, but the Minister met me more times than I had planned and more than she would wish. We had thoughtful engagement and the outcome is right. I stand now only to say that some of the comments made from the Opposition Front Bench were facile. They do a disservice to the efforts that went into this Bill and the outcomes that will be the product of it. We will have protections in place on streets and protections against corrosive substances, and we will do further work on significant calibre weapons. I commend and praise the Minister for her efforts, where she has engaged thoughtfully across the range of issues contained in this Bill, and I say the same about her officials.

6.54 pm

Huw Merriman: I shall not talk for long; the Whips are worried that I might inadvertently talk out the Bill, which of course I would never want to do because I absolutely support it.

As I did not do so earlier, I thank my hon. Friend the Minister for giving me a lot of her time and reassuring me about some measures about which I was concerned. Across party lines, some great suggestions have been
made this afternoon. A lot of them came from the Opposition Benches, and I would struggle to vote against them. I hope that in a few months the Minister will assess whether the measures in the Bill as passed will fix some of the issues; if not, we should reconsider some of the other proposals, because they have a lot to recommend them. Overall, I support the Bill and hope that the House will give it a Third Reading.

6.55 pm

Victoria Atkins: It is now my challenge not to talk out the Bill.

It is a pleasure for me to close the Third Reading debate on this important Bill. As my right hon. Friend the Home Secretary said, the measures in it will prevent young people from accessing dangerous weapons such as knives and acid and causing irreparable damage with them, not only to the lives of others but to their own lives.

I am genuinely grateful to all right hon. and hon. Members from all parties—particularly those from Northern Ireland—for their valuable contributions and for the debates that we have had on the Bill. We have had a series of constructive debates, and at times like this the House is at its best, so I thank hon. Friends and colleagues for their contributions.

Particular thanks must go to my hon. Friends who served on the Bill Committee and scrutinised the Bill line by line. It was an absolute pleasure to serve with them in doing that important work. I also thank the Parliamentary Private Secretaries. We do not often get the chance to thank them, but they are the ones who make sure that the political wheels run smoothly. Of course, I also thank the officials, who have done an incredible amount of work on the Bill. [Interruption.] I am being prompted, but I had made a note, so now that I have finished thanking the officials I thank the Whip, the Lord Commissioner of Her Majesty’s Treasury, my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard), because I know which side my bread is buttered. I also thank those in the Whips Office for their hard work on the Bill. Every time that we excited and enthusiastic Ministers put policies and legislation before the House, it is the Whips Office that has to deliver it, and I am extremely grateful for the help I have had on this Bill.

I extend my thanks to the hon. Member for Sheffield, Heeley (Louise Haigh), the right hon. Member for East Ham (Stephen Timms) and the hon. Member for Lewisham, Deptford (Vicky Foxcroft) for their contributions, not only today but in Committee, and for the constant attention that they pay to this really important issue. I hope that the hon. Member for Lewisham, Deptford will keep pressing her case for a debate at tomorrow’s business questions. I also thank the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) for his perspective in the debates. It has been a pleasure to work with him and, indeed, the Scottish Government on the Bill.

Let me end this Third Reading debate by drawing the thoughts of the House back to the people whom the Bill is intended to help and protect. I thank every single victim of knife crime and corrosive-substance attacks, as well as every family member who has been affected, sometimes devastatingly, by serious violence. It is for those people that we put the Bill and the other measures in the serious violence strategy at the forefront of our thoughts, as well as for the communities that we all represent, who really do want us to ensure that our laws are up to date and that we have in place the strategy to keep our country safe.

On that note, it is my absolute pleasure to send this Bill elsewhere. I hope that it goes with the best wishes and best intentions not only of every colleague present, but of the victims whom we seek to serve and represent.

Question put and agreed to.

Mr Deputy Speaker (Sir Lindsay Hoyle): Bill accordingly read the Third time and passed.
Exiting the European Union

That the draft Trade Barriers (Revocation) (EU Exit) Regulations 2018, which were laid before this House on 22 October, be approved.

Constitutional Law

That the draft Government of Wales Act 2006 (Variation of Borrowing Power) Order 2018, which was laid before this House on 18 October, be approved.

Mental Health

That the draft Mental Health (Northern Ireland) (Amendment) Order 2018, which was laid before this House on 31 October, be approved. — (Amanda Milling.)

Question agreed to.

Planning: South Somerset

Motion made, and Question proposed, That this House do now adjourn. — (Amanda Milling.)

7.2 pm

Mr Marcus Fysh (Yeovil) (Con): It is a great pleasure to speak this evening on the planning situation in South Somerset, where my constituency lies. I declare an interest, in that my family own a house in the district. I will talk about a planning saga a little less than a mile away that has been going on for a long time.

Essentially, the community to the south of Yeovil, in the Cokers, as it is known, has time and again felt left out of the planning process going on around it. Some might know that the Liberal Democrats have been in power in South Somerset for a very long time. Yeovil was Lord Ashdown’s constituency from 1983. He won the seat having built up a power base in local government. One way or another, many of the individuals in local government are still around in the council. Essentially, South Somerset District Council, which is the planning authority, now has a plan in place, but many people say that it is failing because it does not have a five-year housing land supply. As a result, speculative development has been coming forward.

As a district councillor, I was partly involved in the deliberations around the creation of the local plan and in the planning inspector’s process, so I know the detail of it very well. It was always quite odd to me that the council wanted to push through a higher number of houses than there was evidence for—as I showed at the time—but the planning inspector let the council do so, because the guidance says that if a council wants to do something, we broadly let it. As a result, many people in the district feel that their voice is not being heard very well. The Yeovil area has an area committee system—Area South is the committee that makes planning decisions there—and many of the key committees are heavily dominated by the Liberal Democrats, although we are trying to do something about that and have had quite a lot of success getting Conservatives involved in recent years.

The district council has been seeking bolt-on development to existing towns that often do not have the infrastructure required to cater for such development. The council has not thought more holistically about the potential for new towns on, for example, the A303. It could capitalise on the investment we will be making in the A303 corridor scheme to dual the road all the way between the M3 and the M5. That kind of plan would be a logical way of trying to achieve these ambitious housing numbers. I favour providing enough housing for a new generation to be able to own their own homes, which could also provide business opportunities. There is a huge amount that we could do if we took that holistic approach and looked at ambitious schemes such as garden towns in appropriate locations such as the one I have suggested.

Jim Shannon (Strangford) (DUP) rose—

Mr Deputy Speaker (Sir Lindsay Hoyle): I am just trying to think—the link between the hon. Gentleman and this topic must be the Irish sea.

Jim Shannon: The link is the planning department. I congratulate the hon. Member for Yeovil (Mr Fysh) on securing this debate and telling us about the problems
with the planning department in his area. My local council planning department also takes its own interpretation of planning law as gospel, without giving appropriate weight to job creation and the local economy. Does he agree that weight must be given to the letter of planning policy, but also to the spirit of its aims, such as improving town centre facilities and aiding job creation?

With that in mind, I support the hon. Gentleman’s argument.

Mr Fysh: I am grateful for the hon. Gentleman’s intervention; it would not be an Adjournment debate without a strong contribution from Northern Ireland. I agree that focusing on and intensifying development in town centres is one of the answers both to finding more housing and to getting more people living in town centres, which means they will be there for the businesses in those locations. Having more eyes on the street makes town centres safer and more people will want to visit them. He is absolutely right. I would love Yeovil to be that kind of town, and part of that virtuous circle.

Not so very long ago, the Conservative party manifesto included the idea of a community right of appeal. There is an understandable impetus not to make things too onerous for developers and to ensure that decisions can be made in a timely fashion. I support that, but it is also key that proper evidence is used to make these decisions in the right way. It is my opinion that, unfortunately, evidence in South Somerset has been cooked up for various outcomes—pre-cooked over decades to make certain things happen that, frankly, the Liberal Democrats have wanted to happen for one reason or another. The community has completely lost confidence in the Liberal Democrats’ ability to make the right decisions on its behalf.

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): It is so nice to see you in the Chair, Mr Deputy Speaker.

My hon. Friend is making some very good points. I have been the MP for Bridgwater and West Somerset for 17 years, and I have never seen South Somerset in the mess that it is now in. The Liberals left us a terrible legacy that started with the noble Lord Ashdown and continued up until David Laws, who has now left the House. Does my hon. Friend agree that it has been a catalogue of disaster over that terrible period for south Somerset? Yeovil is a town that should be thriving—doing really well—but I am embarrassed to say, as a great supporter of my hon. Friend, who is doing a fantastic job, that it does not seem to be.

Mr Fysh: I thank my hon. Friend. He is certainly right that Yeovil has its challenges. Part of the problem has been sprawling development, and not particularly good development, that has been approved over the decades that I am talking about. We need to get a virtuous circle working in the other direction. The town has enormous potential and it has great industries in it. It needs a Conservative leadership in the district council next year to be able to achieve its potential and really contribute to the south-west’s growth.

I want to spend a little time going through some of the big saga that happened to the south of Yeovil. Essentially, at the back end of the ‘80s, there was a graded asset near a farmhouse that was falling down. The district council, being responsible for such things, did not want to spend the money on it and got its friend who was a developer to buy it, in an area that was not scheduled to have development around it. Who knows what really happened, but I suspect very strongly that the council made commitments to him that they would get him planning permission and on that basis he would do the renovations to keep the building standing. That, I think, is the origin of the problem that is down there.

This area is a really, truly special part of the country with international and international heritage value. It has the village of East Coker, where T.S. Eliot is buried in the church. He wrote one of his most famous poems about the village and the landscape. There are ancient Roman ruins throughout. There are two of the closest together Roman villas, which is a very unusual archaeological configuration, apparently. Those two villas became the manors of East Coker and West Coker in later times. They have a tremendously rich and fertile soil and history.

William Dampier was born in the village. He was an extremely important person in botany, science and literature. He cut his teeth investigating why different plants grew in different parts of the Vale of Coker, which he was farm managing for various of his boss’s tenants. That is what got him thinking about why certain things grow differently in certain places. Then, when he did his second navigation of the world later in his life, he made all his drawings in his botanical notebooks and wrote about them. That was the inspiration that Charles Darwin took with him when he went around the world in the Beagle doing exactly the same thing, so there really is a very strong heritage in evidence there.

Yet the district council has never, ever ascribed any value to that whatsoever. When it did its landscape and heritage assessments of this area for development, it gave absolutely no value to the farm that was next to the graded asset or to the whole setting, including those Roman villas. There was no drawing together of the threads and the context. Frankly, that is a disgrace, because we are talking about proper national heritage. T.S. Eliot was the most famous poet of the 20th century. His words in that poem will live for as long as the English language lives. People absolutely should go and visit the church in East Coker to see where his memorial is, and to see the memorial to William Dampier. It is an extraordinary place.

The council got the developer to buy that land and said that it would give him planning permission. When the A37 was being expanded to the south of Yeovil, it then gave him a roundabout that was contiguous with the land he had bought, in order to get access to the putative development that it had in mind. That was done entirely at the behest of the county councillor for the area at the time, who is now in the House of Lords—Baroness Bakewell. She suggested that roundabout, which was going to benefit the developer to a huge financial degree, and she made it happen through her friends in the county council. The leader of the district council at the time was having an affair with the chair of the environment committee in the county council.

There are wheels within wheels in South Somerset, and this has been going on for an awfully long time. There is the evidence of the roundabout. The developer
made a contribution of £100,000 to the county council to get it done under a section 278 agreement—that is in black and white. Unsurprisingly, the community was more than upset and confused at how unusual that was when it found out.

The council has continued to give favours to this developer over time. It tried initially to promote a big logistics park on the site. That did not go forward because the community opposed it, but the council then came up with the idea of developing the site for housing. When it was assessing the site in the process leading up to the more recent local plan, it decided to give a zero rating on the community infrastructure levy, so that it would not have to pay anything to the community. The whole point of the Localism Act 2011 was that development in the community would give some benefit to the community, to spend in ways that it wanted. None of that will happen if this site gets developed, because of that CIL derogation, which benefits this developer substantially.

In the planning process, the council gamed the highways evidence. It gamed the housing demand evidence, to ensure that this site would be one of those that it had to consider. It gamed the landscape evidence, and then it gamed the historic environment assessment evidence by not taking account of the settings of all the graded assets. There is a higher concentration of graded assets in that valley than almost anywhere else in the country. It is so rich and has such a history; it is quite an extraordinary place.

The district council made a statement of common ground with the developer, and it was only on that basis that English Heritage allowed it to remove its objection from the local plan process for the whole site, and that was on the basis that it was going to be a reduced size and only up in the corner. The council said that it would not develop on a field that is adjacent to one of the scheduled ancient monuments—the Roman villa, which was on the at-risk register at the time because of development potential. On the basis of that statement of common ground, the council got English Heritage to remove it from the at-risk register.

Then the council got the planning inspector to change his final report on the local plan. I have copies of the document he signed off, which basically said that he was approving the local plan allocation for the whole site because it was not in proximity to the scheduled monument. However, I have in writing, too, the council saying to him that the field is in fact adjacent to the monument. That was taken out, which materially changes the meaning of the report.

I personally think that this closeness between councils and the Planning Inspectorate is a structural problem that the Ministry should look into. It is not appropriate for these sorts of things to go on behind closed doors. No information was released, even under the Freedom of Information Act, until after it was judicially reviewable, which is a disgrace. It is understandable that, in this context, the process does not smell right at all and I would support the community in saying that.

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The council has now trying to get its friends on the county council—because it is all about politics from way back when—to shift the school site to the very field adjacent to the scheduled ancient monument. I am very pleased that Historic England has just submitted an objection to the planning application, on the basis that that is absolutely not what it agreed when it released all these things, given all the reliance placed on the statement of common ground that allowed the site to come forward in the first place.

Essentially, on a policy basis, we need to look at how communities can challenge the substance of some of this stuff, other than with the normal route of politics. Everyone says, “Well, just vote people out”, but that is not realistic in a place where there is a safe seat or a safe council. In these sort of incidents, it is only on a procedural basis—if there is something wrong with the actual process—that individuals can bring a judicial review. If the council has not divulged the information about the material way in which decisions were made by the decision maker, which it did not do, and we are out of time, what do we do?

Both because it is a nationally important heritage asset and because there are public policy grounds, including the very welcome new powers to protect heritage in the national planning policy framework—we should try to elucidate and clarify some of these things—this planning application is a very good candidate for calling in. I would like it to be called in and, to put my hon. Friend the Member in the picture, I will be making an application to do so in the coming days. I have taken more time than I promised I would, but I thank hon. Members for listening.

7.22 pm

The Minister for Housing (Kit Malthouse): It is a great pleasure to respond to this debate, not least because the A303 is a golden thread that runs from my constituency to that of my hon. Friend the Member for Yeovil (Mr Fysh). I know that we both treasure it as a road that features large in our postbag. Somebody once said that if we want to keep something secret, we should make a speech about it in the House of Commons. Given the contents of my hon. Friend’s speech, I doubt very much it will remain a secret for long, at least in his constituency.

I should first point out to my hon. Friend, as many hon. Members will know, that the Secretary of State has a quasi-judicial role in the planning system. I am sure that people will therefore understand that it would not be appropriate for me to comment on the detail of individual cases. However, I can talk about the issues raised more broadly. My hon. Friend quite rightly raises the ability of the community to influence the planning system, and we are very keen that our planning system should be one that puts local communities front and centre. Planning must be done with local people, not to them.

If we are to ensure that more homes are built in the right places at prices our constituents can afford, we need to make sure that we make the best possible use of the land that is already in the system. The revised national planning policy framework is fundamental to delivering the homes we need in places where people want to live. It sets out a comprehensive approach to ensuring that we get the right homes built of the right quality in the right places. At the same time, it includes policies for leaving our environment in a better condition than when we inherited it, speeding up build-out and providing local areas with more flexibility to make effective use of land. The revised NPPF retains an emphasis on development that is sustainable and plan-led, with local decisions still at the heart of the system.
Local plans are the key vehicle for how this national policy translates locally. I note my hon. Friend’s involvement in his local plan. Local plans must be prepared in consultation with communities and play a key role in delivering the development and infrastructure we need in the right places. They provide clarity to communities and developers about where homes should be built and where not, so that development is planned rather than the result of speculative applications. It is crucial that local authorities have up-to-date local plans, produced in consultation with local people. I urge my hon. Friend and his constituents to make use of the opportunities to participate in developing South Somerset’s local plan, which is currently under review. I applaud the ambition for housing and new settlements in his patch, and I would be more than happy to discuss them with him.

Neighbourhood plans play a key part in communities having a voice in local planning. Over 2,400 communities have begun the process of developing a neighbourhood plan, to shape the future development of their areas. Some 13 million people across England live in a neighbourhood planning area. Seven of those areas are within my hon. Friend’s constituency, and three are now part of the development plan for South Somerset, having passed referendums.

Some neighbourhood plans, however, were being undermined because the local planning authority could not demonstrate a five-year land supply; as my hon. Friend pointed out. The revised NPPF has addressed that issue. Neighbourhood plan areas are provided protections from speculative development in instances where the local planning authority lacks a five-year supply of land, provided that all four of the following criteria are met: first, that the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made; secondly, that the neighbourhood plan contains policies and allocations to meet its identified housing requirement; thirdly, that the local planning authority has at least a three-year supply of deliverable housing sites; and fourthly, that the local planning authority’s housing delivery was at least 45% of that required over the previous three years.

My hon. Friend mentioned decision making. Planning decisions are taken in full view of the public. Local people have a right to look at applications and plans. Local people can also attend council planning committee meetings to see certain decisions being made. Once submitted, planning applications are required to be determined in accordance with the local plan and any neighbourhood plans in place, unless material considerations indicate otherwise. Local planning authorities are required to undertake consultation before making their decisions and must notify neighbours about planning applications.

As the decision maker, the local planning authority must consider all the representations made within the specified period and take into account any relevant issues raised. Local opposition or support is not in itself a ground for refusing or granting planning permission, unless it is founded on valid planning reasons. Where people feel that they lack the knowledge or expertise to make effective representations, which is often the case, they can express themselves through their local councillors. They may also be able to access the services of Planning Aid England, part of the Royal Town Planning Institute, which operates a planning advice service staffed by chartered planners. Happily, it is a free service.

Local authorities typically operate a committee system when determining planning applications, with many decisions delegated to officers under an authority’s scheme of delegation. The operation of committees, including which applications are considered by members, are administrative matters for the local authority. Officers have to abide by their local authority’s code of conduct, requiring them to act in accordance with the seven Nolan principles of standards in public life. They are accountable to the public for their decisions and actions, and they must submit themselves to the scrutiny necessary to ensure that.

The law states that meetings of the council, including committee meetings, must be open to the public unless the matter under discussion would involve the disclosure of confidential information. Copies of the agenda and reports for council and committee meetings must be available for public inspection for at least five clear days before the date of the meeting. Where decisions are made by officers, councils are required to provide a written record as soon as is reasonably practicable, and it must contain the reasons for the decision. The written record and any background papers must also be made available to members of the public and retained for six years.

My hon. Friend mentioned third-party rights of appeal. Interested parties already have statutory rights to contribute their views in the planning process—in the production of the local plan or neighbourhood plan, at the planning application stage, and in response to most appeals by the applicant against a local authority decision. The existing right of appeal recognises that, in practice, the planning system acts as a control on how an individual may use their land. As a result, the Government believe that it is right that an applicant has the option of an impartial appeal against the refusal of planning permission. This existing right of appeal compensates for the removal of the individual’s right to develop.

Decisions on planning permission can be challenged by third parties in the courts only on a point of law, by judicial review, such as whether the correct procedures have been followed. Although there is only a right of appeal for those applying for planning permission, the planning system, as I have outlined, is centred on community involvement at every stage—plan making, neighbourhood planning and decision making.

I once again thank my hon. Friend for securing this valuable debate. I hope that my comments have demonstrated that planning should be done with people, not to them. I would be more than happy to meet him to discuss the issues he has raised. I note that he is going to make a submission for a call-in. We look forward to receiving his letter and will consider it with due process. He must recognise that the planning system does take into account the strong and important role that local communities play, with local decisions at the heart of the system. T. S. Eliot once wrote:

“Only those who will risk going too far can possibly find out how far one can go.”
I know that is an aphorism by which my hon. Friend will conduct himself in this matter, as he does in all others.

*Question put and agreed to.*

7.30 pm

*House adjourned.*
Deferred Division

FAMILY LAW

That the draft Child Support (Miscellaneous Amendments) Regulations 2018, which were laid before this House on 12 September, be approved.

The House divided: Ayes 310, Noes 230.

Division No. 268]

AYES

Adams, Nigel
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, rh Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Berkeley, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Blunt, Steve
Brereton, Jack
Brine, Steve
Broughton, Sir James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, r. Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartledge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clay, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Cox, rh 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
Djankoly, Mr Jonathan
Docherty, Leo
Dodd, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Double, Steve
Downen, 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
Evrenet, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Mark
Ford, Vicky
Foster, Kevin
Francois, rh Mr Mark
Frazier, Lucy
Freeman, George
Freer, Mike
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh 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
Hall, Luke
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
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, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh 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
Liddington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul

McLoughlin, rh Sir Patrick
McVey, rh Ms Esther
Menzies, Mark
Merrion, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morr, Anne Marie
Morr, David
Morr, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Parish, Neil
Patel, rh Priti
Patterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Rosinsdell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
 Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, rh 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, Robin
Soames, rh Sir Nicholas
Spelman, rh Dame Caroline
Question accordingly agreed to.

Abbott, rh Ms Diane
Ali, Rushanara
Aliin-Khan, Dr Rosena
Amsbury, Mike
Antoniacci, Tonia
Ashworth, Jonathan
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Black, Mhairi
Blackford, rh Ian
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
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
Cooper, Rosie
Corbyn, rh Jeremy
Cowan, Ronnie
Crawley, Angela
Creagh, Mary
Craddes, Jon
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
David, Wayne
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Viillers, rh Theresa
Walker, rh Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whitaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, rh Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim
Davies, Geraint
Day, Martyn
De Cordova, Marsha
Debonnebra, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, rh Mr David
Dromey, Jack
Eagle, Rhs Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliot, Julie
Ellman, Dame Louise
Elmore, Chris
Evans, Chris
Farrelly, Paul
Fellows, Marion
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Grady, Patrick
Grant, Peter
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendry, Drew
Heron, Lady
Hill, Mike
Hillier, Meg
Hodgson, Mrs Sharon
Hoey, Kate
Hollem, Kate
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Helen
Jones, rh Mr Kevan
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Laird, Lesley
Lake, Ben
Lavery, Ian
Law, Chris
Lee, Karen
Leslie, Mr Chris
Linden, David
Lloyd, Tony
Lucas, Caroline
Lucas, Ian C.
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
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
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMorris, Anna
Mears, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Morden, Jessica
Morgan, Stephen
Moris, Grahame
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Owen, Albert
Pearce, Teresa
Pennycook, Matthew
Philips, Jess
Phillipson, Bridget
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Shah, Naz
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Stammer, rh Keir
Stephens, Chris
Stevens, Jo
Stringer, Graham
Sweeney, Mr Paul
Tami, rh Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woolcock, John
Yasin, Mohammad
Zeichner, Daniel
The House of Commons

Thursday 29 November 2018

The House met at half-past Nine o’clock

PRAYERS

[Mr Speaker in the Chair]

BUSINESS BEFORE QUESTIONS

University of London Bill [Lords]
Bill read the Third time and passed, without amendment.

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—
Leaving the EU: Farming Policy

1. **John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): What plans he has to implement an independent farming policy after the UK leaves the EU. [907899]

6. **Sir Edward Leigh** (Gainsborough) (Con): What plans he has to implement an independent farming policy after the UK leaves the EU. [907907]

The Minister for Agriculture, Fisheries and Food (George Eustice): The Government’s Agriculture Bill, which is currently going through Parliament, is the first major piece of legislation affecting agriculture since 1947. It provides certainty for farmers through a seven-year transition period and lays the foundations of a new farming policy based on public goods and fairness in the supply chain. At their request, it also includes provisions for Wales and Northern Ireland. This critical piece of legislation will enable us to seize the opportunities and seise the opportunities and to target support at farmers who are delivering public goods, including those in severely disadvantaged areas.

George Eustice: My hon. Friend makes an important point. As he knows, agriculture is devolved. At the request of the Welsh Government there is a schedule containing provisions for Wales, and at the request of the Northern Ireland Administration there is a schedule containing provisions for Northern Ireland. Scotland has yet to decide what it wishes to do. We have maintained an open offer to insert provisions in the Bill at later stages should the Scottish Government wish us to do so.

Alternatively, they can legislate through their own Parliament, but they will need some legislation in order to be able to pay their farmers in 2020.

**Sir Edward Leigh:** Can the Minister confirm that under a clean, global, free trade Brexit the United Kingdom will be able to protect farmers with tariffs just like every other country, and to provide more help for smaller farmers? Can we have more optimism from the Government, and less “Project Fear” with gumboots on?

George Eustice: As my hon. Friend knows, I have always been very optimistic about the opportunities presented by Brexit. It is important to note that in a no-deal Brexit, the UK would be free to set its own trade policy unilaterally. The options open to us would be to create autonomous tariff rate quotas, tariff rate suspensions or lower-band tariffs on certain goods if we wished to do so, but we would have an independent trade policy in the event of a no-deal Brexit.

**Jim Shannon** (Strangford) (DUP): Has the Minister had any discussions with the Prime Minister about her withdrawal agreement’s implications for the transport and sale of livestock from Northern Ireland to the rest of this great United Kingdom of Great Britain and Northern Ireland?

Mr Speaker: That was not altogether adjacent to an inquiry about an independent farming policy. The hon. Gentleman might more usefully have shoehorned his inquiry into Question 2. Because he is a very public-spirited fellow, I will let him off on this occasion, but he should not repeat his offence.

George Eustice: The withdrawal agreement and the political declaration on a future economic partnership set out the Prime Minister’s and the Government’s approach to trying to deal with issues relating to the Northern Ireland border, and I am sure that we have many days of discussion on those matters to look forward to.

**Sir Patrick McLoughlin** (Derbyshire Dales) (Con): Can my hon. Friend assure me that we will not be replacing one set of bureaucrats with another set of bureaucrats? How can we ensure that the right sort of assistance goes to the less favoured areas that are so important to our countryside?

George Eustice: My right hon. Friend makes a good point, but I can tell him that the Bill has important provisions that will enable us to strike down and improve some retained EU law, particularly in relation to the burden of administration. We are absolutely clear that we want a totally different culture in how we regulate farmers in the future. The Bill also enables us to target support at farmers who are delivering public goods, including those in severely disadvantaged areas.

**Trade Agreements: Environmental and Animal Welfare**

2. **Helen Goodman** (Bishop Auckland) (Lab): What recent discussions he has had with the Secretary of State for International Trade on maintaining environmental and animal welfare standards in future trade agreements. [907903]
The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): Ministers and officials from DEFRA regularly meet their counterparts in the Department for International Trade to discuss a wide range of trade issues. The Government are clear that future trade agreements must work for consumers, farmers and businesses in the UK. We will not water down our standards on food safety, animal welfare and environmental protection as part of any future trade deals.

Helen Goodman: I begin by congratulating DEFRA on the contribution that it has no doubt made to the excellent Government document on the implications of Brexit. In the section on agri-food we see that a no deal could produce a 35% reduction in competitiveness, and even the Prime Minister’s estimates predict a reduction of 7%. So will the Minister confirm today that we will not allow unfair competition from imports from countries that produce to lower standards?

David Rutley: Yes, I can confirm that.

Zac Goldsmith (Richmond Park) (Con): My hon. Friend will be aware of the overwhelming support for a ban on the export of live animals after we leave the European Union, and I know he has great sympathy with that position. Can he confirm that under the terms of the withdrawal agreement that would still be possible?

David Rutley: Yes, and we have a call for evidence on that.

Paula Sherriff (Dewsbury) (Lab): I recently met the lovely children in the reception classes of St John’s infant school in Dewsbury. They have written to the Secretary of State because they have been learning about the poaching of elephants and rhinos and they are really concerned about it. Can the Minister say something today to reassure them so they know we are taking action on this?

David Rutley: It is good to hear that the children at St John’s school are taking a keen interest in this. We are taking strong action through the Ivory Bill, and I congratulate the Environment Minister, my hon. Friend the Member for Suffolk Coastal (Dr Coffey), on the work she is doing to take that forward.

Mr Philip Hollobone (Kettering) (Con): Will the Minister ensure that under any future trade agreements it is a requirement that food imported into the UK be produced to at least equivalent standards to those required of our domestic producers?

David Rutley: Yes—again, we will ensure that we do not water down those standards. I am sure that later in these questions we will hear from the Minister for Agriculture, Fisheries and Food, my hon. Friend the Member for Camborne and Redruth (George Eustice), who is doing a tremendous job in taking the Agriculture Bill through the House.

Deidre Brock (Edinburgh North and Leith) (SNP): The Environment, Food and Rural Affairs Committee said in its report on the Agriculture Bill that the Government should put their money where their mouth is and accept an amendment stipulating that food products imported as part of any future trade deal should meet or exceed British standards relating to production, animal welfare and the environment. I have tabled such an amendment; will the Minister undertake to accept it in order to keep Frankenstein foods off the tables of families the length and breadth of these isles?

David Rutley: I know that amendments have been tabled, and they will be properly considered on Report.

Air Pollution

3. Kelvin Hopkins (Luton North) (Ind): What steps he is taking to reduce levels of air pollution to legal limits.

7. Paul Blomfield (Sheffield Central) (Lab): What steps he is taking to reduce levels of air pollution to legal limits.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): The only statutory air quality limit the UK is currently failing to meet is on roadside concentrations of nitrogen dioxide. Members will be aware of our plans to combat air pollution. A £3.5 billion investment has already been set aside, but we are now working with 61 local authorities to tackle their exceedances. I have directed local authorities, including Sheffield, to achieve compliance in the shortest possible time. Some £495 million has been specifically set aside for those councils, but I will take legal action if necessary to make sure that councils do what they need to do.

Kelvin Hopkins: I thank the Minister for her answer, but she will know that at least 4.5 million children are growing up in areas with unsafe levels of particulate matters, with long-term implications for their health. UNICEF is now calling for the Government to introduce legally binding limits to meet the World Health Organisation recommended limit values for air pollution by 2025. Will Ministers consult UNICEF to discuss how that can be achieved?

Dr Coffey: The issue of particulate matter has grabbed my attention ever since I became a Minister in this Department. It is soot and dust, in essence, and one of our challenges is that a lot of particulate matter is naturally generated; for example, it is sand or sea salt. There are a number of different issues that we need to tackle, and we will continue to work with local authorities to bring the level of particulate matter down, because the Government are very conscious that we need to make sure that the most vulnerable in society, including children who are still of growing age, get the best possible start in life.

Paul Blomfield: The Minister has acknowledged the challenge Sheffield faces. We have multiple sites where nitrogen dioxide levels exceed legal limits and threaten the health of our people. Sheffield’s council has ambitious and innovative plans to tackle the problem, but its resources have been drained by eight years of deep cuts. Will the Minister commit to provide the funds we need to clean Sheffield’s air, and will she meet me and representatives of the council to discuss our plans?
Dr Coffey: Sheffield City Council could start by stopping cutting down trees, which is not good for the environment and costs money. However, it is making good progress with its plan, and it is considering introducing a charging clean air zone—of course, it has had the power to do that since 2000. It is being funded by DEFRA to make sure it gets on with its plan—it will be able to bid for further funding, but it is being given the funding it needs to do that.

Dr Coffey: My right hon. Friend is right. It has been a pleasure to work with Birmingham City Council, which is making reasonable progress on producing its plan. There is no doubt that “dieselgate” had a massive impact on people’s willingness to do what the Government were recommending, so it has not had the intended consequences. We will continue to work with car manufacturers, and the Chancellor has changed vehicle excise duty to ensure that people are incentivised to buy the cleanest possible vehicles.

Graham Stringer (Blackley and Broughton) (Lab): The burning of biomass makes a major contribution to air pollution. The Government have estimated that 1.7 million lives are lost every year because of the burning of biomass, but they have now stopped making those calculations. Why?

Dr Coffey: I am not aware of the figure to which the hon. Gentleman has just referred. I am conscious of the impact that burning has, which is why we have a consultation about the domestic burning of household smoky coal, wet wood and similar materials, but I will look carefully into the issue that he has raised.

Mr Clive Betts (Sheffield South East) (Lab): Pollution is not just a matter for city centres; it is also about major roads. Around the M1 in my constituency, levels of nitrogen dioxide pollution have got so bad that, for the first time ever, the Department for Transport is bringing in variable speed limits just to deal with pollution. It is also looking at installing barriers to absorb NOx. What involvement does the Minister’s Department have in that? Does she think that those measures will be successful, and will she report back to the House on their effectiveness in due course?

Dr Coffey: The Minister of State, Department for Transport, my hon. Friend the Member for Hereford and South Herefordshire (Jesse Norman), and I work closely together on this issue. My Department and the Department for Transport have a joint air quality unit, and I am in regular contact with Highways England about its progress on improving air quality on the strategic road network. I welcome the work that it is considering to change speed limits and to install the barriers to which the hon. Gentleman referred.

Sue Hayman (Workington) (Lab): The Government’s plans to tackle air pollution are unravelling into a shambolic and piecemeal mess. Exposure to fine particulate matter is linked to poor health, including asthma, heart disease, stroke and lung cancer, and new evidence shows impacts on diabetes, Alzheimer’s and Parkinson’s. We must ensure that we have the highest standards of public health, so will the Minister tell us how she will enshrine the World Health Organisation’s limit on fine particulate matter into UK law?

Dr Coffey: We have already agreed targets that are now in law regarding PM$_{10}$ and PM$_{2.5}$, and we are well below those targets. We will continue to work on this. I know that the House is eager to see the outcome of the clean air strategy, which I expect to be published shortly. I can assure the hon. Lady that this issue is close to my heart, especially the question of particulate matter, because I am very conscious of the impact that it can have. However, we need to be careful when we read some of the reports, because there is often a correlation link but not necessarily a causal link, which means that we still need to do research on these matters. I am pleased that the Department of Health and Social Care, through Public Health England, and the Department for Environment, Food and Rural Affairs are undertaking that research.

Trade Agreements: Environmental and Animal Welfare

4. Neil Parish (Tiverton and Honiton) (Con): What steps is he taking to ensure that agricultural products produced to lower environmental and animal welfare standards than UK products will not be included in any future trade agreements.

Dr Coffey: In creating a new trading system we have to be mindful of our domestic legislation. Our high standards, including on import requirements, will apply when we leave the EU. Some of them, such as the ban on chlorine-washing of poultry, are already in domestic legislation. Others, such as the ban on chlorinated fish, will be brought on to our statute book through the European Union (Withdrawal) Act 2018. Countries seeking access to our markets in future will have to abide by our standards.

Neil Parish: Ministers are naturally keen to raise welfare standards in this country, and to reduce the use of antibiotics and produce greater and better food than we already have, but if we are undermined by imports, that will put farmers out of business and reduce global animal welfare. Will Ministers therefore accept the amendment that the Environment, Food and Rural Affairs Committee has tabled to ensure that imports are not allowed into this country if they do not meet our standards of production?

George Eustice: As my hon. Friend will be aware, we had a good discussion on these matters in the Bill Committee, and I look forward to discussing his amendment on Report. Our view is that the types of measure that he has outlined would probably not be right, because it is sometimes possible to recognise equivalence, and our standards do not have to be identical in drafting regulations.
However, there are a number of other approaches that some countries take, including scrutiny and oversight roles for Parliaments as trade deals are discussed.

Kerry McCarthy (Bristol East) (Lab): I very much support the amendment from the Environment, Food and Rural Affairs Committee, and I have also tabled new clause 1 on the same topic. It is estimated that by 2050, antibiotic resistance could cause up to 10 million deaths a year, and we know that 80% of the antibiotics sold in the US are sold for animal use. We heard from the chief veterinary officer yesterday at the Environment, Food and Rural Affairs Committee about what we are doing to reduce antibiotics use here. Will the Minister resist it in US imports too?

George Eustice: The hon. Lady makes an important point. Here in the UK, we have made huge progress in reducing the use of antibiotics. Poultry in particular has seen a 50% reduction in the use of antibiotics. US agriculture remains quite backward and some years behind in these matters, but we continue to work together to try to raise its game and approach.

Simon Hoare (North Dorset) (Con): My hon. Friend’s good will on this issue is recognised, as is my right hon. Friend the Secretary of State’s, but I re-emphasise the seriousness with which we on the Agriculture Bill Committee dealt with this issue. We cannot rely on good will. We need certainty for our food producers across the country on the face of a Bill—it could be the Trade Bill or the Agriculture Bill—that standards will be maintained and that they will not be priced out of the market.

George Eustice: My hon. Friend made his case powerfully in Committee. He will recall that, as a result, I undertook to give this issue further consideration and have further discussion with colleagues in government in time for Report.

Dr David Drew (Stroud) (Lab/Co-op): The discussion in the Agriculture Bill Committee was very good, but unfortunately the Government chose not to accept our amendments, so I congratulate the hon. Member for Tiverton and Honiton (Neil Parish) and the whole of the Select Committee on tabling theirs. I hope the Minister will confirm today that he will accept that amendment.

George Eustice: As I have explained, I do not believe that that particular amendment is the right way to approach the issue, nor is the Agriculture Bill the right place for such an amendment, as this is a trade issue. Nevertheless, I gave an undertaking to have conversations and discussions with other Departments in time for Report.

Farming: Funding Schemes

5. Alex Burghart (Brentwood and Ongar) (Con): What steps he is taking to deliver equitable funding schemes for farmers throughout the UK. [907906]

The Minister for Agriculture, Fisheries and Food (George Eustice): Once we leave the common agricultural policy, we will be able to create fairer funding for farmers, with greater freedoms across the four Administrations. On 16 October, the Government announced a review of the intra-UK allocation of domestic farm support funding between 2020 and the end of the Parliament. The review will consider a range of factors that reflect the unique circumstances of each part of the United Kingdom.

Alex Burghart: I very much welcome the news that we will have fairer funding across all four parts of the UK after we leave the EU. Will the Minister reassure me that this fairer funding will take account of each country’s individual circumstances, particularly the environment, their agriculture and their socioeconomic needs?

George Eustice: I can confirm to my hon. Friend that the review will indeed will consider all those issues—the environment, agriculture and socioeconomic circumstances of each part of the UK. We have a manifesto commitment to keep the agricultural budget the same until 2022 and a commitment to put in place a new funded scheme thereafter.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Will the Government Front-Bench team stop blaming Europe for everything in farming and recognise that it is modern industrial methods of agriculture that are responsible for denuding our country of wildlife and for species going into extinction? That is the problem. We need a funding system that is equitable but deals with that problem.

George Eustice: It is Government policy to support a more sustainable approach to agriculture. The common agricultural policy has failed to do that. The new policy that we have set out in the Agriculture Bill will deliver a fairer, more sustainable and more profitable agriculture for the future.

Luke Graham (Ochil and South Perthshire) (Con): Since it was established in the Agriculture Bill Committee that further primary legislation is required for direct payments to be made to Scotland and other parts of the United Kingdom, what steps is my hon. Friend taking to ensure that Scotland is in the UK Agriculture Bill and that it conforms with the needs of the National Farmers Union Scotland and my constituents?

George Eustice: My hon. Friend makes an important point. As I said earlier, there is an open offer from the Government to add a schedule for Scotland at a later stage of the Bill’s progress, should Scotland wish us to. This area is devolved to Scotland. The Scottish Government have the power to act in this space and they need to make up their mind and decide what they want to do.

Alan Brown (Kilmarnock and Loudoun) (SNP): How can the Minister talk about ethical funding when Westminster has stolen £160 million of convergence uplift meant for Scottish farmers? What are the Government doing to replace that up to 2020, and what is going to happen beyond 2020?

George Eustice: As the hon. Gentleman will no doubt be aware, the average receipt for Scottish farmers tends to be higher than in other parts of the UK, because Scottish farmers have larger holdings in more disadvantaged areas. We are having this review precisely to address the importance of fair funding in the future.
Leaving the EU: Fishing Industry

8. Chris Law (Dundee West) (SNP): What recent discussions he has had with Cabinet colleagues on the effect on the fishing industry of the UK leaving the EU.

[907909]

11. John McNally (Falkirk) (SNP): What recent discussions he has had with Cabinet colleagues on the effect on the fishing industry of the UK leaving the EU.

[907912]

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): I have regular discussions with my Cabinet colleagues and, indeed, with all Members of the House about the benefits for the UK fishing industry of leaving the common fisheries policy and becoming, once more, an independent coastal state. The Government’s vision for this bright future was set out in the White Paper, “Sustainable Fisheries for Future Generations.”

Michael Gove: We all know we cannot trust the Tories with Scotland’s fishing industry. After all, former Prime Ministers Ted Heath, Margaret Thatcher and John Major all sold Scotland’s fishing down the water. Now we know that the current Prime Minister has signed an agreement with the EU to “build on…existing reciprocal access and quota shares.” Can the Secretary of State help the House understand how that is in any way taking back control of the waters?

Michael Gove: I have enormous affection and respect for the hon. Gentleman, and he makes his case with characteristic fluency, but I fear he has been misled. The truth is that, as an independent coastal state, we will be able to decide who comes into our waters and on what terms. It is perhaps rare for me to quote the French President, Emmanuel Macron—[Interruption.]

Mr Speaker: Order. Members are clustering from a sedentary position, but I want to hear the right hon. Gentleman quote the French President.

Michael Gove: The soi-disant Jupiterian President was, nevertheless, speechless with rage on Sunday when he discovered that this withdrawal agreement and the future political declaration mean that France will not have access to our waters, save on our terms. His anger should be a cause for celebration on both sides of the House.

John McNally: Yesterday the Prime Minister told the hon. Member for Moray (Douglas Ross) that, as an independent coastal state, the UK will be able to “negotiate access” to its waters with other countries. Constituents have asked me why, at such a pivotal and crucial time for the fishing industry in Scotland, there are no Scottish Tory constituency MPs in the Secretary of State’s Department in order to be a more effective and balanced Government.

Michael Gove: Far be it from me to say but, as someone who was born in Edinburgh and brought up in Aberdeen, and who had the privilege of growing up in a household in which my father ran a fish processing business and his forebears went to sea, I think the interests of the fishing industry are very much at the heart of the Department. I would love to extend an open welcome to my Scottish Conservative colleagues to join the ministerial team but, sadly, the size of our ministerial team is a matter for the Prime Minister, rather than me.

One thing I would say, though, is that, in the consideration of our Bills in Committee, and in the shaping of policy in the interest of rural and coastal Scotland, Scotland’s Conservative MPs have been consistently more effective in delivering more money, more freedom and more rights even than the nicest and friendliest Scottish nationalist, which of course the hon. Gentleman is.

Chris Law: We all know we cannot trust the Tories with Scotland’s fishing industry. After all, former Prime Ministers Ted Heath, Margaret Thatcher and John Major all sold Scotland’s fishing down the water. Now we know that the current Prime Minister has signed an agreement with the EU to “build on…existing reciprocal access and quota shares.” Can the Secretary of State help the House understand how that is in any way taking back control of the waters?

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Michael Gove: I am grateful to my hon. Friend. Friend for making that detailed, practical point, and he is absolutely right. Notwithstanding the occasional disagreements on the Floor of the House, I have to say that the Scottish Government Minister responsible for fisheries, Fergus Ewing, has behaved, I think, in a very mature fashion in making sure that UK vessels can have access across the waters of the UK, while, of course, respecting, and indeed enhancing, the devolution settlement.

David Duguid (Banff and Buchan) (Con): Regardless of what happens in the coming days and weeks, we are going to become an independent coastal state, like Norway, Iceland and the Faroes. Like them, we will have to come to a fisheries agreement with the EU. Does my right hon. Friend agree that, in the negotiation of that agreement specifically, he and the officials in his Department should take the lead?

Michael Gove: Yes, I do. It is vital that we are there getting the best possible deal for this country. I said that my hon. Friend the Member for South East Cornwall (Mrs Murray) was probably the strongest voice for the fishing industry in this House, but there is still competition for that role now that my hon. Friend the Member for Banff and Buchan (David Duguid) is here. I look
forward to working with him and other colleagues, and those in the Scottish Fishermen’s Federation and elsewhere, who recognise that there is a sea of opportunity for our fishing industry as an independent coastal state.

Mr Speaker: The Secretary of State is characteristically keen to keep all his Back-Bench colleagues happy, and that will have been noted by the House.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): In five weeks, the EU discard ban will kick in. While much attention is on what fishing will look like after Brexit, this poorly implemented discard ban before Brexit risks tying up our fishing fleet, especially mixed fisheries such as those in the south-west. What steps is the Secretary of State taking to ensure that the concerns of the fishing industry are listened to and that this ban does not result in its boats being tied up alongside?

Michael Gove: It is not just Government Back Benchers whom I wish to be kind to; it is also Opposition Front Benchers, because the hon. Gentleman raises a very important point. It is the case that the management of the discard ban in the past, and potentially in the future, is a real issue of contention. My hon. Friend the Minister for Agriculture, Fisheries and Food has been talking to a number of fishing industry representatives to see whether we can make sure that at this December Council we can put in place appropriate mitigation measures. One thing we can be sure of is that as an independent coastal state we can take appropriate conservation measures in a way that does not lead to those who are practising mixed fisheries facing the sorts of problems the hon. Gentleman rightly draws attention to.

Pollinators

9. Alan Mak (Havant) (Con): What steps he is taking to protect bees and other pollinators.

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): Protecting pollinators is a priority for this Government and that is reflected in our 10-year national pollinator strategy for England. Our 2017 review of the strategy has highlighted positive progress and the Government recently announced £50,000 to support large-scale pollinator projects in Devon and, of course, in Hampshire, and £60,000, following petitioning from my hon. Friend the Member for Mansfield (Ben Bradley), to develop pollinator habitat mapping.

Alan Mak: Community groups and local schools play an important role in protecting our pollinators. What support can my right hon. Friend give to those groups? Will he join me in congratulating St Albans Church of England Primary School in Havant on its award-winning work in this area?

Michael Gove: I absolutely agree; community groups, including our Wildlife Trusts network, do an enormously valuable job in making sure that the habitats that pollinators depend on are kept in good repair. It is also the case that schools across the country are playing an increasingly important role, and next year’s Year of Green Action will give me and my hon. Friend the opportunity to congratulate those schools and those teachers, who are doing so much to remind us of our environmental responsibilities.

Chris Elmore (Ogmore) (Lab): The Secretary of State will be aware that lots of small and medium-sized enterprises that produce honey do an awful lot of work to try to protect bees. For example, Ty Mel farm in my constituency does a lot of work on ethical beekeeping and making sure we produce good Welsh honey. What more support can he give small businesses that are not only producing honey, but supporting bees?

Michael Gove: The hon. Gentleman is absolutely right and I congratulate the business in his constituency on its initiative. From the Welsh valleys to the rolling acres of Hampshire, and indeed the rich heather-strewn hills of Scotland, UK honey is a world-beater, but we must do more to protect our pollinators.

Deposit Return Scheme

10. Wera Hobhouse (Bath) (LD): What progress has been made on introducing a deposit return scheme for plastic bottles.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): The consultation on a deposit return scheme will be published shortly and it will look at the details of how a scheme could work, alongside the other measures to increase recycling rates. We are continuing to work with the devolved Administrations, potentially on a UK scheme.

Wera Hobhouse: A recent BBC documentary showed a dead sperm whale with a large amount of plastic waste in its stomach, including four plastic bottles. So given the urgency, and the keen interest that my constituents have in this issue, can the Minister actually confirm a date of the roll-out of a deposit return scheme?

Dr Coffey: No, I cannot, because we have yet to consult on the scheme. It is important that we give proper consideration not only to the opportunities but to the challenges. The hon. Lady is right to continue to raise the impact of people being careless with litter, which is how plastic often ends up in the marine environment. That is something that everyone in the House wants to prevent.

Mary Creagh (Wakefield) (Lab): The Environmental Audit Committee’s report on the Arctic is published today. Because of weather and tides, most of our marine plastic ends up in the Arctic. It is imperative that the deposit return scheme is introduced as soon as possible. Will the Minister confirm that the measures to introduce the DRS will be included in the draft environment Bill when it is published? Or will it be in separate legislation and thereby further delayed?

Dr Coffey: It really matters that we get the DRS right and that we get the outcomes that we all want to see. It is just a little too early to commit to a certain kind of legislation; we must wait until we have done the consultation.
Sandy Martin (Ipswich) (Lab): Given how successful the plastic bag levy has been, reducing the use of plastic bags by 80%, and bearing in mind that the working group report in February this year showed that Germany’s deposit return scheme delivers the recycling of 98% of polyethylene bottles, will the Minister tell us whether we will have a deposit return scheme, as suggested by the evidence, or whether her decision will be determined by the British Soft Drinks Association?

Dr Coffey: I note that after 13 years of a Labour Government nothing similar was introduced. I have looked into this issue carefully and visited several countries. The thing is, the front end is similar for everybody, but we must get the back-end solution right, because that is what we need to deliver the scheme effectively, rather than just getting headlines.

Topical Questions

Mr Speaker: I remind the House that topical questions are supposed to be significantly briefer.

T1. Mr Philip Dunne (Ludlow) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): I am looking forward to addressing the annual conference of the CLA—the Country Land and Business Association—later today, where I will congratulate the association on its fantastic work in environmental enhancement.

Mr Dunne: Good farming practice depends on multi-year rotations. The existing financial support system, the common agricultural policy, is multi-year and the proposed transition system is multi-year. Will my right hon. Friend confirm that when the Agriculture Bill comes back on Report, it will include a multi-year framework?

Michael Gove: I will enlist my hon. Friend’s persuasive powers in making just such a case to the Treasury.

T2. Simon Hoare (North Dorset) (Con): Rural roaming can bring huge benefits to farmers, businesses and our rural communities. We are at a key point in trying to deliver it, so will my right hon. Friend commit to use all his considerable energy to convince the Department for Digital, Culture, Media and Sport that it is the right thing to do, is affordable and can be done quickly?

Michael Gove: I presume that my hon. Friend means roaming applied to mobile telephones, rather than to wild rovers.

Simon Hoare: Yes.

Michael Gove: I will absolutely do that. I have had a number of fruitful conversations with DCMS and, indeed, rural roaming is a key plank of the CLAs campaign to improve connectivity in rural areas, which is vital to improving productivity across the field.

T3. Jeremy Lefroy (Stafford) (Con): What is my hon. Friend’s assessment of the implications of the Migration Advisory Committee’s report on immigration for the agricultural and food processing industries in the United Kingdom?

The Minister for Agriculture, Fisheries and Food (George Eustice): The Government obviously did not agree with every element of the Migration Advisory Committee report. The food industry is the most important manufacturing industry in this country and horticulture is one of our most productive agricultural sectors. It is important that we ensure that these crucial industries have the labour requirements that they need in future.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): Illegal waste sites such as the Twyford factory in Stoke-on-Trent pose a huge risk to our environment. Despite the £150 million that was in the Budget, that site is not eligible for that help because it remains in private ownership. Court action has ordered a clearance. The local authority and the fire service want it cleared. Will the Minister meet me and those interested parties so that we can find a way forward so the site can be cleared once and for all?

Michael Gove: The hon. Gentleman is a formidable advocate for his constituency and I will make sure that a meeting happens at ministerial level in order to try to ensure that that waste site is tackled.

T4. Martyn Day (Linlithgow and East Falkirk) (SNP): Guide dog owners rely on their dogs to get around safely. They are rightly worried about what will happen with EU travel after any transition period or, worse still, in the event of no deal, which would require four months of advance planning. What contingencies have the UK Government put in place to minimise delays to guide dog travel? What post-Brexit arrangements will there be for pet travel?

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): The Government have already set out very clear guidelines as to what needs to be done ahead of no deal. The feedback that we have had already tells us that this is being well received.

Michael Gove: Absolutely, which is why we have been pleased to provide Transport for London with funding. The Mayor has received additional funding for certain kinds of buses and other things to do; we just want him to continue to get on with it.

T5. Kevin Foster (Torbay) (Con): The Secretary of State will have heard the comments of the French President about access to our fishing grounds. Can he confirm to the fishing industry in Torbay that those are hollow threats and that we will in future decide our own fishing policy?
Michael Gove: Certainement. Le Président de la France—

Helen Goodman (Bishop Auckland) (Lab): You are not allowed to speak in French.

Michael Gove: Sorry. I will translate. The French President is, on this occasion, wrong.

Mr Speaker: Stunning, absolutely stunning—the articulacy and the accent. What a dramatic performance by the right hon. Gentleman.

Carol Monaghan (Glasgow North West) (SNP): I believe that the 13 Scottish Tories have all signed the latest pledge of the Scottish Fishermen’s Federation to reject the Prime Minister’s deal. Will the Secretary of State do the same?

Mr Speaker: In fact, I was almost as pleased with the right hon. Gentleman’s performance as possibly was the right hon. Gentleman.

Michael Gove: No, I am afraid not, Mr Speaker. I thought that it was a hesitant and fumbling schoolboy attempt of the language, but if it brought you pleasure then my day has not been entirely wasted.

The Scottish Fishermen’s Federation is clear that the Government’s approach to safeguarding our fishing stocks, and indeed enhancing opportunities, is one that we wholeheartedly endorse, which is why it is behind the deal that the Prime Minister has secured.

Mr Speaker: I so enjoyed it, and the right hon. Gentleman knows how much I enjoyed it.

Michael Gove: I have a lot of sympathy with what my hon. Friend says. I find the idea of trophy hunting a difficult one to contemplate as anyone’s idea of a wise use of time or resources. However, it is the case that the current regime allows trophies to be imported, provided that there is no impact on the sustainability of species.

Mr Speaker: Absolutely correct.

Michael Gove: The Secretary of State taking now to ensure that, after Brexit, once we are free of EU controls, halal and kosher meat is appropriately labelled?

Michael Gove: My hon. Friend raises a very important point, but we have to consider not just high animal welfare standards and appropriate consumer information, but the sensitivities and traditions of our religious communities. Given the increase that we have seen in expressions of hostility towards religious minorities in this country, this is an area that requires handling with great care, but he is absolutely right to say that we do need to look at ways in which we can improve animal welfare at every stage in the life of the animals with whom we share this planet.

Rachael Maskell (York Central) (Lab/Co-op): Page 33 of the national flood resilience review highlights how natural upper catchment management must be part of the next comprehensive spending review. How will the Minister ensure that upper catchment management is a major feature of that impending spending review, so that we can particularly protect York with catchment management on the River Ouse and the River Foss?

Dr Coffey: We do have a £15 million scheme, which is going into much greater detail in assessing the different methods of natural flood management. This will be an important part of flood defences for homes and businesses, but we need to ensure more than just anecdote, although I do recognise that some of these methods are seen to work already. This will help constituents in the hon. Lady’s wonderful city of York.

Michael Gove: I have to join the hon. Lady in saying that, from Alnwick to Bishop Auckland, the north-east contains—[Interruption.] Okay, from Morpeth to Seahouses—

Ian Mearns (Gateshead) (Lab): Berwick to Barnard Castle.

Michael Gove: Exactly. There is a whole gazetteer. From Consett to Sedgefield, there are beautiful parts of our country in the north-east. Thanks to the hon. Member for North West Durham (Laura Pidcock), who is enjoying maternity leave at the moment, I had the opportunity to talk to hill farmers in her constituency. I have also received representations from the Members for all the Northumberland constituencies. I am on their side in making sure that we do not dilute our high environmental and animal welfare standards and that we continue to support farmers to produce the high-quality food that they do, which is the envy of the world.

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HOUSE OF COMMONS COMMISSION

The right hon. Member for Carshalton and Wallington, representing the House of Commons Commission, was asked—

UK Food and Drink

1. John Spellar (Warley) (Lab): What steps the Commission is taking to increase the sale of UK-produced food and drink (a) in catering outlets and (b) for events hosted on the parliamentary estate. [907924]
Tom Brake (Carshalton and Wallington): The right hon. Gentleman will be very pleased to know that there is a lot of promotional activity for British food. For example, Red Tractor Week took place in September, and we worked with British farmers and the National Farmers Union to promote British food. He will also be pleased to know that the wine list in Strangers’ and Members’ includes a good selection of English wines. Something that he may want to consider—if he has not already taken advantage of it—is that individual Members can ask for a specific cask of ale from an independent regional brewer from their constituency to be placed in the Strangers’ bar.

Tom Brake: I can assure the right hon. Gentleman that in this place we push hard for very high quality produce, which is often British-sourced. The overwhelming majority of food throughout the catering establishments is British. If he is suggesting that we should adopt a “buy British” policy, I am sure he aware that that is not something that we can do in practice.

Mr Philip Hollobone (Kettering) (Con): As the House of Commons Commission is encouraging British-produced food and drink on the parliamentary estate, may I commend the right hon. Gentleman on the steps that the Commission has taken on this and on reducing plastic use, but will the Commission take the lead from other public bodies in ensuring that our suppliers are, at every possible opportunity, prioritising and insisting on supporting British farmers, manufacturers and workers, and maximising UK-produced food and drink, especially from small and medium-sized enterprises?

Tom Brake: I am certain aware of the provision for regional breweries in the Strangers’ bar. I congratulate the right hon. Gentleman on the steps that the Commission has taken on this and on reducing plastic use, but will the Commission take the lead from other public bodies in ensuring that our suppliers are, at every possible opportunity, prioritising and insisting on supporting British farmers, manufacturers and workers, and maximising UK-produced food and drink, especially from small and medium-sized enterprises?

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Thangam Debbonaire (Bristol West) (Lab): I am sure that other cereals are available. I commend the moves of the catering outlets and events teams to increasing UK-produced food and drink, but will the right hon. Gentleman recommend to the Commission an increase in the amount of UK-produced healthy food, especially after the success of Vegan November?

Carol Monaghan: Female Members in this House were not surprised that 70% of the complainants responding to the Cox report were women. I am the 400th woman to be elected to this place; there are more than 400 men currently sitting as Members of the House. Does the right hon. Gentleman agree that until we address this gender imbalance in our representation, this abuse will continue?

Tom Brake: I certainly agree that we need to ensure that we have 50:50 representation in this place. No doubt the hon. Lady, like me and others here, has taken part in events to promote that. Clearly, we cannot wait until we have 50:50 representation to address these very serious issues. That is precisely what the Cox report and, indeed, the White report that is now under way are focusing on to ensure that we address this problem as quickly as possible, not in the next 50 or so years’ time.

Brendan O’Hara: The Cox report revealed that a culture of bullying and harassment had spread to every part of this place. Can the right hon. Gentleman assure me, and give confidence to all those working across the estate, that if a complete, top-down reorganisation is required to effect genuine and lasting change, that will...
happen, and that seniority, length of service or any other factor will play no part in shielding anyone from scrutiny or criticism where it is warranted?

Tom Brake: I can certainly give the hon. Gentleman that assurance. I think that the House, and everyone in this place, has recognised that there is a serious issue that we need to address. I would draw his attention, and that of other Members, to an email that is sitting in their inboxes encouraging them to take part in the consultation around the grievance scheme to ensure that, for instance, allegations of historical abuse are effectively addressed within the scheme. I hope that he and others will want to contribute to that.

CHURCH COMMISSIONERS

The right hon. Member for Meriden, representing the Church Commissioners was asked—

Northern Forest Initiative

3. Rachael Maskell (York Central) (Lab/Co-op): What discussions the Commissioners have had with representatives of the northern forest initiative; and if she will make a statement. [907927]

The Second Church Estates Commissioner (Dame Caroline Spelman): The Church Commissioners own 3,500 acres of forestry in England, some of which falls within the focus of the northern forest initiative. The Church Commissioners have had some high-level conversations with the Woodland Trust and would certainly consider being part of this initiative.

Rachael Maskell: With 50 million trees expected to be planted as part of the northern forest initiative to improve air quality and mitigate flooding, as well as to improve wellbeing and be there for us all to enjoy, it is really important that the Church of England estate also participates in that, not least as the 13th biggest landlord in our nation, owning land the size of Iceland, I believe. How many trees will the Church of England be planting, particularly around the area of York, where the archbishop’s palace, no less, was affected by the floods of 2015?

Dame Caroline Spelman: The Church Commissioners own a great deal of agricultural land. The important thing with the planting of trees is that it needs to be on land suitable for that purpose. Prime agricultural land is usually reserved for food production, but land that is, for example, wet—it can be in close proximity to rivers—is better suited to tree production. The hon. Lady, representing the city of York, has every interest in trees being planted that would slow the flow of the river through her city.

Persecution of Christians

6. Fiona Bruce (Congleton) (Con): What steps the Church of England is taking to raise awareness in the Government of the persecution of Christians throughout the world. [907930]

The Second Church Estates Commissioner (Dame Caroline Spelman): The Church of England remains concerned about the increase in violence and intimidation against Christians and all religious minorities across the globe. In fact, my right hon. Friend the Member for New Forest West (Sir Desmond Swayne) reminded colleagues at this week’s Prime Minister’s questions of the visit of the Patriarch of Jerusalem, His Beatitude Theophilos III, who will be in Parliament next Wednesday. He is regarded as a senior cleric from the Christian communion in Jerusalem, and he is to give a talk about the future of Christians in the Holy Land.

Fiona Bruce: Aid to the Church in Need’s latest world persecution report and Baroness Cox’s “Hidden Atrocities” report, both published this month, state that the religious element of attacks by militants on communities in northern and central Nigeria is increasing. For example, 539 Christian churches have been destroyed in Nasarawa state alone in 2018. Catholic Bishop William Avenya of Gboko has now warned the international community, “Please don’t make the same mistake as was made with the genocide in Rwanda.”

Will the Church of England engage with Department for International Development and the Foreign and Commonwealth Office to help fully address those grave concerns?

Dame Caroline Spelman: I can give my hon. Friend that assurance. In fact, on Monday, the Archbishop of Canterbury will brief members of the all-party parliamentary group for international freedom of religion or belief, as part of its inquiry on Nigeria. He knows the country extremely well, as he worked there, and has visited it as recently as October. He is deeply concerned about attacks on Christians and has urged our Government to help Nigeria to enforce security and promote reconciliation between people of different faiths.

Helen Goodman (Bishop Auckland) (Lab): The Rev. Steven Saxby organised for me an excellent briefing with Anglicans from the Philippines, where there are serious human rights abuses. Could the right hon. Lady ask the Church of England whether it is tackling that in a structured way?

Dame Caroline Spelman: One advantage of the size of the Anglican communion is that its reach is across all continents, and the persecution of Christians in all continents is a matter of great concern to the Church of England, as part of the Anglican communion. I will certainly look more closely into what is happening in the Philippines, and I thank the hon. Lady for that suggestion.

Sir Desmond Swayne (New Forest West) (Con): I attempted to restrict the scope of a question to the holy lands and was summoned to the Table Office to change the offending words. It is not persecution, but does my right hon. Friend resent that secular agenda as much as I do?

Dame Caroline Spelman: That is almost a question for the Chair, rather than the Second Church Estates Commissioner. I am concerned about religious literacy and understanding better the Holy Land. I was fortunate to be able to make a visit with five Members of Parliament, led by the Speaker’s Chaplain, Rose, to the Holy Land for the first time, to see for myself the plight of Christians there and the complexity of the issues in the Holy Land. I do not think we should baulk at calling it the Holy Land, for many of the world’s faith regard it as such.
Mr Speaker: What a delicious choice—I call Jim Shannon.

Jim Shannon (Strangford) (DUP): Can the right hon. Lady outline whether she has had any discussions with the Home Office, to request that Asia Bibi and her family are offered asylum in the United Kingdom, and the outcome of those discussions?

Dame Caroline Spelman: I can give the hon. Gentleman reassurance, and I sympathise with his concern for Asia Bibi. The information we have is that we need to be extremely careful that we do not exacerbate risks to Asia Bibi and her family. The Prime Minister answered a question during PMQs about what the Foreign Office is doing and confirmed that the UK is in conversations with other Governments, including the Government of Pakistan, on how to make Asia and her family safe.

Dr David Drew (Stroud) (Lab/Co-op): We had an excellent debate this week on Nigeria, initiated by the hon. Member for Strangford (Jim Shannon). Will the right hon. Lady urge the Archbishop of Canterbury to visit another bedevilled part of the world, South Sudan? Although it is a Christian country, many Christians are being persecuted there.

Dame Caroline Spelman: The Archbishop of Canterbury is very alive to the situation in South Sudan. Every well-read Christian Member of Parliament surely must be. In my tenure as shadow International Development Secretary, I went to southern Sudan, and it is probably one of the most distressing places I have ever visited. The women there told me they had very little confidence of peace being secured, because they fear their men just like to fight.

Dean of Christ Church, Oxford

7. John Howell (Henley) (Con): What support the Church of England is providing to the Dean of Christ Church cathedral Oxford in the case brought against him by Christ Church college.

The Second Church Estates Commissioner (Dame Caroline Spelman): At this stage, there is little more that I can add to the written answer that I gave my hon. Friend on Monday. A formal tribunal process is under way, following the statutes of Christ Church, and that will enable the complaint made against the dean to be properly investigated.

John Howell: I have spoken to the Bishop of Oxford, and I am a little more reassured about the pastoral care that is being made available for the dean, but this raises the important question of why an Anglican cathedral is so much in the pocket of an Oxford college.

Dame Caroline Spelman: I can reassure the House that the Bishop of Oxford is giving pastoral support to the Dean, and I know that he went out of his way to speak to my hon. Friend. This is a very unusual case in the Church of England—the dean of a cathedral is at the same time the master of a college—but I must underline that the complaint against the Dean is an internal matter for the college, and neither the Church Commissioners nor the wider Church of England has any role in that process.
hon. Friend agree that this is a great opportunity for the Church to spread the message to our young people in the hope that they will retain that message throughout their lives?

**Dame Caroline Spelman:** The Church of England has seen increasing attendance at its church services. My hon. Friend is absolutely right that crib services and Christingle services are very important for small people.

I would like to encourage you, Mr Speaker, to have a look at the Follow the Star campaign. It is different for a change: it does not start on the first day of Advent, but covers the 12 days of Christmas. When you and I have finished washing up after our Christmas lunches, we might sit down and reflect on the true meaning of Christmas and make sure that our children do get it.

**Mr Speaker:** I shall always profit from the right hon. Lady’s counsels, and I solemnly commit to take that advice on Christmas day.
Withdrawal Agreement: Legal Advice

10.34 am

Keir Starmer (Holborn and St Pancras) (Lab) / Urgent Question: To ask the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office if he will make a statement on the publication of the Attorney General's legal advice on the proposed withdrawal agreement.

The Solicitor General (Robert Buckland): The Government recognise the legitimate desire of Members on all sides of the House to understand the withdrawal agreement and its legal effect. That is why my right hon. Friend the Chancellor of the Duchy of Lancaster confirmed to the House on Tuesday 13 November that the Government will publish a full reasoned statement to set out their position on the legal effect of the withdrawal agreement. That is in addition to the material that the Government have already published, including, for example, a detailed explainer of the withdrawal agreement and a technical explanatory note on the Northern Ireland protocol. My right hon. and learned Friend the Attorney General will also make a statement to the House on Monday 3 December—the next sitting day—about the legal effect of the agreement, and he will answer questions from Members, I am sure in the fullest possible way.

Keir Starmer: Not good enough.

Mr Speaker, nobody who was present in the debate on 13 November, including the Solicitor General, could be in any doubt about what the House was asking for. During that debate I stated that "the motion requires the publication of the final and full advice provided by the Attorney General to the Cabinet concerning the terms of any withdrawal agreement. This must be made available to all MPs. It is to be published after any withdrawal agreement is reached with the EU, but in good time to allow proper consideration before MPs are asked to vote on the deal." [Official Report, 13 November 2018; Vol. 649, c. 235.]

The motion was passed unanimously on those terms, and when it was passed, I made it clear that those were its terms.

It was perfectly clear to Ministers, including the Solicitor General who spoke at the end of the debate, that the House was not asking for a position paper or a summary of the Attorney General's advice. That was the offer made from the Dispatch Box during the debate, and it was roundly rejected, as the Solicitor General knows full well. The binding motion that was passed was for nothing less than for the full and final legal advice provided by the Attorney General. It is therefore wholly unacceptable, and frankly shows contempt for this House, for Ministers, including the Prime Minister at the Dispatch Box yesterday, now to pretend that the House was asking only for partial or qualified legal advice provided by the Attorney General to the Cabinet concerning the terms of any withdrawal agreement. This must be made available to all MPs. It is to be published after any withdrawal agreement is reached with the EU, but in good time to allow proper consideration before MPs are asked to vote on the deal."

In 12 days' time, this House will have to take the most important decision it has taken for a generation, and MPs are entitled to know the full legal consequences of the deal that the Prime Minister is asking them to support. That is why the order was made, and why it must be complied with. Throughout the Brexit process, the Government have repeatedly tried to sideline and push Parliament away. If they now intend to ignore Parliament altogether, they will get into very deep water indeed. I urge the Solicitor General to think again and to comply with the order of the House.

The Solicitor General: With the greatest respect to the right hon. and learned Gentleman, his request is wholly premature—[Interruption.]

Mr Speaker: Order. Everybody will have a chance to contribute on this most important and solemn of matters, but just as the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) was heard in relative quiet, so must similar courtesy be extended to the Solicitor General. Everybody will get a chance to put his or her point of view—of that there need be no doubt.

The Solicitor General: Thank you, Mr Speaker. The Attorney General will come to the House on the next sitting day, and he will make a full statement and answer questions from hon. Members across the House. It might then be for the House to judge whether the Government have discharged their obligations consistent with the Humble Address, but not before.

Sir Desmond Swayne (New Forest West) (Con): Who needs legal advice to know a trap when they see one?

The Solicitor General: My right hon. Friend makes the important point that, ultimately, the decision for this House and the motions on which it will vote are political matters, and to try to dress them up in legalese and as legal matters does not help anyone.

Peter Grant (Glenrothes) (SNP): I commend the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) on securing this urgent question. A dangerous pattern is developing here. First, the Government tried to avoid their obligations under a previous Humble Address to release their impact assessments, and on two instances, senior Conservative ex-Ministers were given guarantees by Ministers at the Dispatch Box, which they then claimed publicly had been broken. Now we see the Government trying to wriggle out of yet another binding decision of this House.

Mr Speaker, this is not the time or the place to re-run the discussion about whether it was a good idea for that motion on an Humble Address to have been passed. How ironic that the Government want to re-run a debate on something that has already been voted on—just think about that! This is not the time to discuss its merits. As has been said, if the Government did not want to comply with the instruction, they should have instructed their MPs to vote against it. The reason they did not was that they knew they would have lost the vote.

Does the Solicitor General accept the ruling of the Chair that this decision is binding on the Government? If so, when do the Government intend to comply with the instruction they have had from representatives of the sovereign citizens of these islands?

The Solicitor General: I am disappointed that the hon. Gentleman did not listen to the answer I gave. The Attorney General will be here on the next sitting day.
He will make a statement and answer questions. Then the hon. Gentleman and other right hon. and hon. Members can form a judgment on whether the motion that was carried by this House has been satisfied. My argument is that the Attorney General will meet the spirit and intention of the motion passed, but preserve the important constitutional convention relating to Law Officers’ advice.

Robert Neill (Bromley and Chislehurst) (Con): The right hon. and learned Member for Holborn and St Pancras (Keir Starmer), the shadow Secretary of State, said during his speech:

“I wanted the Government to see the good sense in putting the legal position before the House, for all the exceptional reasons that have been set out”—[Official Report, 13 November 2018; Vol. 649, c. 194.]

Accepting that, is that not precisely what the Attorney General intends to do and will be able to do on Monday?

The Solicitor General: My hon. Friend, the Chair of the Justice Committee, is absolutely right. The right hon. and learned Member for Holborn and St Pancras (Keir Starmer) is more familiar than most with the position of the Law Officers and their role within the constitution. I would have expected him to do better.

Tom Brake (Carshalton and Wallington) (LD): The Solicitor General should be aware that I, and probably others in this House, have written to Mr Speaker asking whether this is a matter of contempt. I suspect we may find it easier to get 48 letters than others have found. Can the Solicitor General confirm whether the Government will fight any contempt proceedings? Has he identified who in the Government would be the subject of contempt proceedings? Does he agree that this latest snub to Parliament leaves Members of Parliament with a sneaking suspicion that when it comes to the vote on 11 December and any votes that come after, the Government may decide to play fast and loose with what is the normal procedure in this place?

The Solicitor General: The right hon. Gentleman asks me to speculate about matters that might not arise. There is no snub to Parliament. It is a wholly confected controversy that actually detracts from the real issues we should be debating and will be looking at next week.

Simon Hoare (North Dorset) (Con): While the Opposition may wish to play fast and loose with the national interest, does my hon. and learned Friend agree that it would be wholly irresponsible to publish material which could or would damage the national interest?

The Solicitor General: My hon. Friend, who is a former Government lawyer, will recall that the circumstances for the publication of the Iraq advice were dramatically different from the current circumstances. In brief, extracts from the then Attorney General’s advice were leaked to the press during the 2005 election campaign, and in those exceptional circumstances, the then Labour Government took a collective decision that the Attorney General should publish the full text. That is the only time it has happened. It was an exceptional case that I do not think sets a precedent here.

Nigel Dodds (Belfast North) (DUP): The Solicitor General is repeating the offer that was made during the debate on 13 November and repeating what the Prime Minister said yesterday, but that was not accepted by the House. The House unanimously adopted a binding resolution in the terms that the Opposition spokesperson has outlined, so why does the Solicitor General not listen and the Government start listening? This has been the problem all along. What is it that they have to hide?

The Solicitor General: May I assure the right hon. Gentleman that when the Attorney General comes here on Monday, he will be able to ask him questions and make sure he is properly examined on these issues? He will have that opportunity. This is not an instance where the Government seek to delay or hide; this is all about providing information at the right time ahead of the important debate that I know he will be playing an important part in.

Maggie Throup (Erewash) (Con): Will my hon. and learned Friend agree that it is the role of the Government always to put the national interest at the heart of any decision?

The Solicitor General: My hon. Friend makes a simple but important point. If we start trying to subdivide the role of the Law Officers and create a rift in collective decision making, where will democratically accountable government end up?

Mr George Howarth (Knowsley) (Lab): In my experience, when someone smells a rat, it is usually a good idea to set a trap. The Solicitor General will be aware that the Prime Minister wants everybody in the House to make a sensible decision based on all the information available to us. Should we not, then, have the fullest possible legal advice in as timely a manner as possible if we are to arrive at a sensible decision?

The Solicitor General: I take the right hon. Gentleman’s question with the seriousness it deserves. That is why the Attorney General is coming here on the next sitting day before we start the five-day debate—so that hon. Members have a chance not just to question him but to digest what he says, come to a judgment and make points appropriately, either in the debate or in other proceedings that might follow.

Victoria Prentis (Banbury) (Con): I must confess that I remain as confused as I was on 13 November about precisely what is being requested. What differences are there between the position now and the position the Government were in when advice was provided concerning Iraq?

The Solicitor General: My hon. Friend, who is a former Government lawyer, will recall that the circumstances of the publication of the Iraq advice were dramatically different from the current circumstances. In brief, extracts from the then Attorney General’s advice were leaked to the press during the 2005 election campaign, and in those exceptional circumstances, the then Labour Government took a collective decision that the Attorney General should publish the full text. That is the only time it has happened. It was an exceptional case that I do not think sets a precedent here.

Jim Shannon (Strangford) (DUP): Can the Solicitor General outline the legal implications of Northern Ireland entering into a customs union—including, to all intents
and purposes, a united Ireland—with no voice or vote for an indefinite period and without the mechanism of a border poll, as called for in the Belfast agreement?

The Solicitor General: I am happy to inform the hon. Gentleman that he can put that precise question to my right hon. and learned Friend on the next sitting day. If he does, I am sure he will get a full answer.

Vicky Ford (Chelmsford) (Con): I, too, listened to the debate that afternoon and raised a number of concerns about the motion. My memory is that the shadow Secretary of State asked for full advice on the final deal and not all the advice given during the negotiations and that he actually corrected the motion from the Dispatch Box four times before it was voted on, as I pointed out in an intervention. Does the Solicitor General agree that the motion was incredibly unclear and inconsistent?

The Solicitor General: My hon. Friend’s recollection is accurate, although to be fair to the right hon. and learned Gentleman, he sought to clarify or narrow the terms of reference of his application. I simply say to her what I said in that debate, which is that the Government will provide a full and clear legal position to the House and that it will then be a matter for the House to judge whether that is sufficient.

Helen Goodman (Bishop Auckland) (Lab): If the Government knew they would take the position of not providing the full legal advice—and the Minister wound up that debate on 13 November—why did they not vote against the motion? [Interruption.]

Mr Speaker: Order. We cannot have people chuntering from a sedentary position, particularly when they have already spoken. We have heard the hon. Member for Chelmsford (Vicky Ford); we know what she wanted to say and we are most grateful to her for that. We do not need sedentary chuntering. It is not helpful and it is unseemly—stop it.

The Solicitor General: I am not going to speculate about votes that were held or not held. I know what the position of the House is. We are seeking to satisfy that through the appearance of the Attorney General on Monday.

Will Quince (Colchester) (Con): I welcome the news that the Attorney General will be coming before the House on Monday, but does my hon. and learned Friend share my concern about the precedent that this may set for publishing legal advice? Where would that leave legal privilege, the cornerstone of our legal justice system?

The Solicitor General: I do not intend to repeat the remarks that I made in the debate, but as I said, there are good reasons why there is a convention for Law Officers. It is not just for the convenience of lawyers; it is for the rule of law to stay at the heart of collective Cabinet decision making. I would have thought that everybody in this House would want that.

Thangam Debonaire (Bristol West) (Lab): Let me refresh the memories of Government Members, who seem to have forgotten the following words: “any legal advice in full, including that provided by the Attorney General, on the proposed withdrawal agreement”.

My constituents are entitled to have the will of the House met so that I can read those documents. What on earth has the Solicitor General got against those words and my constituents knowing that I am doing my job?

The Solicitor General: I think the hon. Lady was reading out the words of the motion, which were not the words adopted by the right hon. and learned Member for Holborn and St Pancras (Keir Starmer). He confined himself to a particular document that he wanted to see. Those are the terms of reference that he sought, and it does nobody any good to try to go back on what he said. A statement on the Government’s legal position will be published on Monday, so it will not just be the Attorney General’s words given here orally. Right hon. and hon. Members will have something in writing as well.

Neil O’Brien (Harborough) (Con): Does the Solicitor General agree that if Members have important questions about the Government’s legal advice or the legal position, they will be able to find out the answers to those questions by asking the source of the Government’s legal advice—the Attorney General—in this House? Does he further agree that this is about a very important constitutional principle? If all 6,500 pieces of legal advice are published, all official advice, not just legal, will start to be published and we will have a situation in which candid advice will no longer be given. It will not be written down and, whoever is in government, we will not have proper functioning of Government.

The Solicitor General: My hon. Friend is absolutely right to say that if Law Officers, and indeed civil servants, cannot provide candid advice in an unencumbered way, the quality of decision making will deteriorate, as will its transparency. That is deleterious to good government.

Carol Monaghan (Glasgow North West) (SNP): But this is not normal government. This is an irrevocable vote, so given the importance of that vote, does the Solicitor General not agree that MPs are entitled to the full truth on behalf of the people they represent?

The Solicitor General: The hon. Lady will see on Monday a document setting out the Government’s legal position. She will be able to question the senior Law Officer about that and then, in the debate, she will be able to make further points if she views the information that she has received as somehow insufficient. Knowing my right hon. and learned Friend the Attorney General, he will dilate at length if he is asked to.

Eddie Hughes (Walsall North) (Con): Does my hon. and learned Friend agree that if the information given by a lawyer to a client is to be made public in future, that information is likely to be much more caveated and cautious, and therefore less useful?

The Solicitor General: My hon. Friend is right—the information becomes useless, actually, if that is the case. There are good reasons why privilege exists, but over and above that, there are constitutional reasons why the Law Officers’ permission has to be sought if, first, the
fact that advice might or might not have been given is to be disclosed, and secondly, the content of any such advice is to be disclosed.

Jeff Smith (Manchester, Withington) (Lab): The Government will have discharged their duty to the House not when the Attorney General makes his statement, but when they publish the full and final legal advice that the House has requested and voted for. Is that not what he should do on Monday?

The Solicitor General: I ask the hon. Gentleman to look at the document that is published, to hear the Attorney General and to come to any view that he may think is appropriate after that.

Kevin Foster (Torbay) (Con): I found some of the comments of the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) surprising, to say the least, given his former role as Director of Public Prosecutions. Does the Solicitor General share my concern at the precedent that the Government might be setting, by releasing legal advice in this instance, for the advice given by previous Directors of Public Prosecutions?

The Solicitor General: I am here to answer questions on behalf of the Law Officers. Although I superintend the Crown Prosecution Service, it is an independent body, and I think it would be inappropriate for me to comment on the content of any advice that it may give.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): Given that the Government have already ridden roughshod over the Sewel convention in respect of the devolution settlement, what faith can we have that they will uphold its integrity on this occasion?

The Solicitor General: I am tempted to get into a debate with the hon. Gentleman about the first part of his question, which I am afraid is just wrong, but we are not riding roughshod over anyone. I have already explained what we are going to do: on the next sitting day, my right hon. and learned Friend the Attorney General will be here to answer questions.

Matt Warman (Boston and Skegness) (Con): It is easy and cheap populism to make the demands that we have heard today, but is the reality that this would undermine the ability of the Solicitor General and the Attorney General to do their job now, and the ability of all their successors to serve future Governments as well?

The Solicitor General: My hon. Friend has put it eloquently. Populism is no substitute for responsible government or responsible opposition.

Brendan O’Hara (Argyll and Bute) (SNP): I do not see how a unanimous vote in the House could ever be seen as cheap populism. The House said unambiguously that it wanted the Attorney General’s legal advice to be published in full. Given that the withdrawal agreement is looking increasingly like a burst ball, does the Solicitor General not think that ignoring the will of Parliament and hiding behind the “national interest” excuse just adds to the public perception that this is a Government descending into chaos?

The Solicitor General: Some of us actually believe in talking up our country, rather than talking it down. I am fed up with the attitude of some Members who seem to revel in the idea that the House wants to connive in chaos, as opposed to stepping up to the plate and playing its responsible democratic role. The public are looking to us to make an important decision in two weeks’ time; let us show them that we are worthy of it.

Nigel Huddleston (Mid Worcestershire) (Con): It is absolutely right that we hold the Government to account. We are doing that now, and we will do it again on Monday with the Attorney General. However, does the Solicitor General share my unease about the undermining of core principles that are accepted by the whole country, such as client confidentiality?

The Solicitor General: It is very easy, in the eye of a storm, to cast caution to the winds and throw away sensible and well worked out convention. This is not the time for us to do that.

Christian Matheson (City of Chester) (Lab): May I express my sympathy for the Solicitor General, who has been sent out today to defend the indefensible and take one for the team? May I also say, however, that responsible government means respecting the will of the House? How on earth can the Government ask the House to support the withdrawal agreement if at the same time they show contempt for a previous major decision that the House has made?

The Solicitor General: The hon. Gentleman is a reasonable man and an honourable Member. I ask him to listen carefully to the Attorney General, to read the documents—as I know he will—and then to reach a judgment after the next sitting day, when he will hear in full the legal basis for the Government’s decision.

Bill Grant (Ayr, Carrick and Cumnock) (Con): We know that the good negotiator never shows his hand. Does my hon. and learned Friend agree that it would not be appropriate to reveal the Government’s legal advice while we are, in essence, still at the negotiating table, securing and protecting the national interest?

The Solicitor General: My hon. Friend is right. We are in a continuing negotiation, and that is why the national interest really is at the heart of this.

Kevin Brennan (Cardiff West) (Lab): The Solicitor General has a wonderful Welsh gift for words, but may I remind him of what Disraeli once said?

“A majority is always better than the best repartee.”

There was a majority—in fact, a unanimous vote in the House—in favour of a motion for a return, which is not a request for a statement but a request for information to be published with the protection of parliamentary privilege. It is the duty of the Government to publish that information following the decision of the House, but if they still do not want to do that, the Solicitor General has already said that they could do it voluntarily.
The full legal advice will come out eventually, and history will not look kindly on the Government, or on any members of the Government, if they have kept from the House relevant information within that legal advice.

The Solicitor General: The hon. Gentleman is a compatriot of mine and is no stranger to the wizardry of rhetoric. He reminds me of Disraeli’s comment on Gladstone that at times he might be inebriated by the intoxication of his own verbosity—but not today. I take his point, but I will say this to him: I would be failing in my duty if I did not defend robustly the Law Officers convention. That is what I am doing today, and that is what I must continue to do.

Mr Speaker: The correct reference is “inebriated with the exuberance of his own verbosity”, but what I would say is that the Solicitor General is no more in a position to level that charge at the hon. Gentleman than I would be.

Paul Masterton (East Renfrewshire) (Con): I am very pleased that the Attorney General is coming before the House on Monday, but while I have the utmost respect for him, ultimately his advice is just that: advice. Is not the most important thing what the Government’s interpretation and position is and what the Government are going to do?

The Solicitor General: My hon. Friend is right to remind this House—Interjection. If I see that my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) is with us. Perhaps I will say no more about—

Mr Speaker: Order. The right hon. Member for South Holland and The Deepings thinks that the Solicitor General’s historical recollection is correct and that mine is at fault. He might be right, but in the end it is a fairly minor point in the great scheme of things.

The Solicitor General: Hansard will come to our rescue. I have no doubt, Mr Speaker.

Going back to the important point made by my hon. Friend the Member for East Renfrewshire (Paul Masterton), in the end this is a policy decision made by the Government after looking at a range of options. This is a matter of politics, and to try and dress it up in a way that would be unhelpful, inappropriate and, frankly, misleading to the public is not how we should conduct ourselves.

Clive Efford (Eltham) (Lab): The Solicitor General has been pugnacious in his responses this morning, and it makes me wonder what he has to hide. We are about to make one of the momentous decisions Parliament has ever had to make on behalf of our country; surely we should have time to consider over the weekend the legal advice that the Government got?

The Solicitor General: I can assure the hon. Gentleman that when he hears the Attorney General and reads the documents on the next sitting day, he will have ample time between then and the vote, which will not be until 11 December, to assess the information, ask more questions about it, probe the Government and come to an informed view. That is what I want him and all hon. Members to have, and that is what they are going to get.

Dr Matthew Offord (Hendon) (Con): I have the utmost respect for the Attorney General, but does the Solicitor General agree that if we went to Chancery Lane we could get another opinion that would completely contradict his own remarks?

The Solicitor General: My hon. Friend knows that the documentation—the withdrawal agreement and the future relationship document—is all out there in the ether for the public and for informed and, shall I say, less well informed commentators to make observations about. There is a plethora of opinion, some of it legal, out there, and my hon. Friend makes that point very well.

Diana Johnson (Kingston upon Hull North) (Lab): The Solicitor General referred in an earlier answer to the legal advice that was published on the Iraq war, and he said that was exceptional. I think we are currently in more exceptional times than ever before, and publishing the full legal advice for all Members of this House to see before they cast their vote on a decision that is going to affect generations to come is absolutely vital.

The Solicitor General: The hon. Lady makes a proper point, but there is another important distinction to be drawn between today’s scenario and the Iraq war. With regard to the Iraq war, a decision was made by Government as to whether or not to use armed force in another country. The legality or otherwise of that decision was clearly a material and key issue as to whether or not an action should be taken. This is now a different set of circumstances: a Government taking a policy decision based on a range of outcomes, with potential risks and outcomes that would result. It is wholly different. I do not think, with respect to the hon. Lady, that the precedent of Iraq is appropriate.

Fiona Bruce (Congleton) (Con): I draw the House’s attention to my entry in the Register of Members’ Financial Interests. Is not maintaining the principle of legal privilege also essential to maintaining the confidence of every citizen in this country who seeks advice from a lawyer that they can expect the justice for which this country is globally renowned?

The Solicitor General: My hon. Friend, as a lawyer, knows that all too well. I have already explained the double importance of professional privilege and the constitutional centrality of the Law Officers’ convention.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): This is commonly described as the most important decision that this House has made since the second world war. The Government refuse to publish the legal advice despite Parliament agreeing that they should do so, and they refuse to publish the economic analysis despite previously agreeing to do so. This is a blindfold Brexit with no clarity for our economy, our agriculture or our working rights. Does the Minister seriously expect us to vote for it blindfold?

The Solicitor General: I can assure the hon. Lady that she will not be voting for it blindfold. Whatever her final decision might be, she will be in a position, come the vote, to have heard the Attorney General, to have
read the Government’s position and to fully understand and appreciate the issues at stake. I know that she will do all that and make her decision.

Tom Tugendhat (Tonbridge and Malling) (Con): Despite the Welsh origins of the Solicitor General, does he agree that there is no wizardry in legal advice, that it is simply the accumulation of the collected knowledge of our culture, history and agreed norms, and that in many ways we can read all that in the press that we are seeing every day? We may seek legal advice in this place, but I have given tons for free by every lawyer in the country, as far as I can tell. Does he therefore agree that the Attorney General’s advice is relevant, but not essential?

The Solicitor General: My hon. Friend puts the context of all this admirably well.

Alan Brown (Kilmarnock and Loudoun) (SNP): Instead of expressing faux outrage from the Dispatch Box, the Solicitor General could have shown some backbone and voted against the motion. We have had more than two years of the UK Government telling us that no deal is better than a bad deal, but now suddenly the deal that is on the table is the only show in town and we are being told that no deal would be an unmitigated disaster. Given the Government’s ineptitude over this entire process, how are we supposed to believe their position statement on impartial legal advice?

The Solicitor General: The hon. Gentleman talks about backbone. It is time for him and his colleagues to show some backbone and to back a deal that serves the interests of Scotland, Northern Ireland and the rest of the United Kingdom in a way that could not be achieved by any other Prime Minister.

Bob Blackman (Harrow East) (Con): For the avoidance of doubt, will my hon. and learned Friend advise the House on what the role of the Attorney General is in advising the Government and this House?

The Solicitor General: As I think most hon. and right hon. Members know, the role of the Attorney General is to be the Government’s chief legal adviser. He has a role in advising the Cabinet. He is not a member of the Cabinet but he attends Cabinet. The advice that might or might not be given can assist in collective Cabinet decision making. He is the lawyer, and his client is the Government. That lawyer-client relationship allows for the lawyer to provide impartial and proper legal advice, unencumbered by political considerations. That is why the convention exists. That is why it must be maintained.

Sir William Cash (Stone) (Con): The Solicitor General was in post at the time and will know the answer to this question. Did the Prime Minister ask the opinion of the Attorney General, as laid down under the clear requirements of the ministerial code, which insists that, in respect of critical legal considerations, all Ministers must ask the opinion of the Attorney General “in good time” before the considerations are implemented by the Cabinet? I ask that both in respect of the Chequers proposals on 6 July, when the Cabinet was clearly bounced, and in respect of the incompatibility of the withdrawal agreement with the withdrawal Act and the express repeal of the European Communities Act 1972, before the signature of the withdrawal agreement over the weekend?

The Solicitor General: My hon. Friend will know the answer that I must give, which is that the convention applies. I can neither confirm nor deny the position with regard to the Attorney General as to the issue that he raises.

Mr Philip Hollobone (Kettering) (Con): I hope that the Solicitor General is correct in his interpretation of the Humble Address motion and the Government’s response to it, but if he is wrong, the House might well bring proceedings of contempt against the Government, which is the most serious charge that the House can bring. When was the last time that a Government were held to be in contempt of the House of Commons?

The Solicitor General: I am not going to start speculating in reply to my hon. Friend’s question. It would not be right of me; this is a matter for Parliament. I would like to think that people understand that my respect and support for this place know no equal.

Sir Christopher Chope (Christchurch) (Con): Can my hon. and learned Friend confirm that, as every lawyer knows, advice depends on the quality of the questions sought? Can he therefore assure us that he or our right hon. and learned Friend the Attorney General will set out on Monday all the questions in respect of which advice has been given to the Government, so that we can be sure that all the right questions have been asked?

The Solicitor General: My hon. Friend knows our right hon. and learned Friend the Attorney General, and I can assure him that in response to any question he asks, he will get the most comprehensive of answers, for free.
Business of the House

11.11 am

Valerie Vaz (Walsall South) (Lab): Will the Leader of the House give us the forthcoming business?

The Leader of the House of Commons (Andrea Leadsom):
The business for next week will be:

Monday 3 December—Second Reading of the Crime (Overseas Production Orders) Bill [Lords].

Tuesday 4 December—Proceedings on a business motion relating to section 13(1)(b) of the European Union (Withdrawal) Act 2018 followed by debate on section 13(1)(b) of the European Union (Withdrawal) Act 2018 (day 1).

Wednesday 5 December—Continuation of debate on section 13(1)(b) of the European Union (Withdrawal) Act 2018 (day 2).

Thursday 6 December—Continuation of debate on section 13(1)(b) of the European Union (Withdrawal) Act 2018 (day 3).

Friday 7 December—The House will not be sitting.

The provisional business for the following week will include:

Monday 10 December—Continuation of debate on section 13(1)(b) of the European Union (Withdrawal) Act 2018 (day 4).

Tuesday 11 December—Conclusion of debate on section 13(1)(b) of the European Union (Withdrawal) Act 2018 (day 5).

Wednesday 12 December—Consideration of Lords amendments.

Thursday 13 December—General debate on public health model to reduce youth violence.

Friday 14 December—The House will not be sitting.

Colleagues will also wish to know that, subject to the progress of business, the House will rise for the Easter recess at the close of business on Thursday 4 April 2019 and return on Tuesday 23 April 2019.

Small Business Saturday reaches millions of customers and businesses every year. I encourage everyone out and about doing their Christmas shopping this weekend to support their local high streets, which do so much to support our communities thriving. Also, Saturday is World AIDS Day. Over 100,000 people are living with HIV in the UK alone, and globally there are nearly 37 million people who have the virus. This is an opportunity for people worldwide to unite in the fight against HIV. Finally, may I wish everyone, in particular all our colleagues north of the border, a very happy St Andrew’s Day for tomorrow?

Valerie Vaz: May I thank the Leader of the House and say “Hallelujah”? We are rising on my niece Anjali’s birthday, so I will not forget that.

The Leader of the House has helpfully set out the timetable for the debate in the coming weeks—it is the first time that we have had two weeks for some time—but what chaos in the run-up to the debate. Let us start with the debate. After struggling to clarify what will happen on the business motion, could the Leader of the House finally agree that the Government have now conceded the recommendation in the Procedure Committee’s report that the Government take the amendments first before the Government’s main motion? We have now heard from the Solicitor General, who is very excellent in his role, about the legal advice, but why does it take an urgent question to fulfil the will of Parliament? This is not about the legal advice on an everyday matter; it is of major constitutional significance to our future. The House has asked for the legal advice that was given to the Government. The Government have taken the legal advice and now they are saying that they will formulate that, along with every other advice, and give us the Government’s legal position. That is not what was asked for.

My hon. Friend the Member for Bristol West (Thangam Debbonaire) mentioned the motion and I will read it out again:

“that the following papers be laid before Parliament: any legal advice in full, including that provided by the Attorney General, on the proposed withdrawal agreement”.

That is very narrow. It is not about everything that the Government need to do. So in my view, the Government are not interpreting the Humble Address as passed by the House. A position statement can exclude that part of the advice that states that the Government may or may not be acting appropriately, or the consequences of the way in which the Government act. We need clarity and transparency. This is in the national interest. We govern in the people’s name, not in our own name.

And there is no economic analysis on what we are going to vote for. There seems to be an economic analysis on every other model, except the ones on the deal. If the Government are prepared to do that, which shows that we will be in a worse position unless we stay in the EU, the Government should publish the legal advice in full. Could the Leader of the House go back to the Cabinet and confirm today that, as a member of the Privy Council, she will follow the directions of Her Majesty and provide the legal advice, as requested? Otherwise the Government, like Zuckerberg, will just be treating Parliament with contempt. That is what is going to happen.

I turn the Leader of the House’s attention to the statutory instruments. According to the Government’s own deadline, as set out in the 25 October letter from the Under-Secretary of State for Exiting the European Union, the hon. Member for Daventry (Chris Heaton-Harris)—I do not think he is in the Chamber—they have until tomorrow to lay almost 50% of the Brexit SIs that they said they would lay in November. The Government have so far laid only 73 Brexit SIs in November, which is well below the 150 to 200 they said they would lay this month. We have had 55% of the time and only 22% of the SIs have been laid. Can the Leader of the House please say whether the Government will be on track to meet their own target?

In her statement on Monday, the Prime Minister said of her deal:

“It takes back control of our borders, and ends the free movement of people”.—[Official Report, 26 November 2018, Vol. 650, c. 23.]

She said that right at the start, as one of the most important parts of the deal, yet can the Leader of the House say when the immigration White Paper will be published? The Prime Minister was asked and she could not respond. All we have had so far is the Migration Advisory Committee’s report.
The Prime Minister also said that she has a shopping list that is longer than the Opposition’s six tests, but she failed to say that a growing number of British citizens are taking their shopping list to food banks. The Opposition have a shopping list of our own for how we want to transform society when we are in government, and ending child poverty is at the top. I hope that the Leader of the House will remind the Prime Minister that the Leader of the Opposition has written to her about the report of the United Nations representative, Professor Alston, on his visit to the UK. I know the Leader of the House will be interested, because Professor Alston mentioned Northamptonshire in his report. He described the Government’s approach to social security as “punitive” and “mean-spirited” and he highlighted the hardships facing disabled people. That is why my hon. Friend the Member for Battersea (Marsha De Cordova) wanted to remind us that yesterday was the United Nations International Day of Disabled Persons.

Welfare has been cut since 2010 and £28 billion has been cut from social security for disabled people. Disabled student’s allowance has helped many students find their talent rather than restricting it as the Government have done. The Government are asking students to stump up £200 before they even get DSA. When will the Government publish the evaluation of the impact of recent changes to DSA? It was due to report in late summer. The Leader of the House is a fan of “Game of Thrones.” Now that winter is coming, can we have that evaluation report?

Last week I mentioned Harry Leslie Smith, who was not well. He has since died, and so has Baroness Trumpington. They were the world’s oldest rebels. Let us hear what Harry Leslie Smith said:

“We have become enamoured by the escapism populist politics provides, where we can fit the blame of our woes on migrants or big institutions”.

He also said:

“We have resisted the darkness that comes to societies that are decayed by their contempt of democracy”, whether outside or in this House. I want to mention those who have shone a light into the darkness, following Harry Leslie Smith, particularly those who won at the Political Studies Association awards on Tuesday: Amelia Gentleman, who shone the light in her work on Windrush; Carole Cadwalladr, who has shone the light into the darkness of our democracy: my right hon. Friend the Member for Kingston upon Hull North (Diana Johnson), who was parliamentarian of the year. This House applauds and salutes them.

Andrea Leadsom: I am glad the hon. Lady is pleased that she gets to spend her niece’s birthday with her when the House rises for Easter—that is excellent news. I am also delighted to join her in congratulating all those who won awards for their contribution to making our society a better place and in commemorating Harry Leslie Smith and Baroness Trumpington, both of whom made such a big impact in their contributions to society.

The hon. Lady asked about the recommendations of the Procedure Committee and whether the proposed business motion on the meaningful vote addresses them.

I can say that, yes, that is the case, in so far as time constraints and practicalities allow in both Houses. The Procedure Committee recommended that amendments should be taken before the main motion is considered and that there should be a minimum of five full days for debate, both of which are happening. The House should be pleased about that.

On the Humble Address, I want to reiterate that we absolutely recognise that there is a legitimate desire in Parliament, from Members in all parts, to understand the legal implications of the deal once it is finalised. The Government will make information available to all Members of the House; there will be a full reasoned position statement laying out the Government’s legal position on the withdrawal agreement. Equally, the hon. Lady will know, as a lawyer herself, that it is a fundamental and long-standing principle of our system of government that Law Officers’ advice is not published without their consent.

The hon. Lady asked about economic analysis on the deal. I am not entirely sure, but she seems to be suggesting that the economic analysis includes everything other than the deal that is on the table. That is not the case; the withdrawal agreement and political declaration economic analysis is, in fact, included in the analysis that has been put out by the Treasury. She asked about statutory instruments. She is right to say that as of 27 November, 185 Brexit SIs have been laid so far, with 79 so far in November. We expect a total of 120 to 130 by the end of this month. She is right to point out that is a bit below the 150 to 200 figure outlined by the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Daventry (Chris Heaton-Harris), in his letter to the sifting Committee. However, as I have tried to make clear at all times, we are getting a firm grip on secondary legislation, and I remain confident that we will get all of the secondary legislation that we need to do through in time for departure date. The number of SIs is below what we originally thought; we now think the total number could be up to 700, but I am confident we will remain in a good place to get all of that passed in time.

The hon. Lady made mention of the Prime Minister’s shopping list. No doubt the Prime Minister is very busy at the moment and is paring her grocery shopping back to the bare limit, but the hon. Lady makes an important point about food banks. Everyone in this House pays tribute to those who contribute to the efforts of civic society to contribute to the food poor. People use food banks for many and varied reasons, and the Government are constantly reviewing research carried out by organisations, including great organisations such as the Trussell Trust, to add to our understanding of food bank use. However, I must point out to her that, in terms of where our society is, since 2010 there are 1 million fewer people in absolute poverty—it is at a record low; there are 500,000 fewer children in absolute poverty, which is another record low; and there are 500,000 fewer working-age adults in absolute poverty, which is a record low. Those are things we can be proud of. This is in addition to the amazing performance of our economy, with more than 3 million more jobs since 2010. That means more people with the security of a pay packet able to support their own family and an improving standard of living.
Sir David Amess (Southend West) (Con): I draw the House’s attention to my entry in the Register of Members’ Financial Interests.

Will my right hon. Friend find time for a debate on relations between the Maldives and the United Kingdom? Following the defeat of President Gayoom in 2008, there have been endless arguments about the legitimacy of succeeding Presidents. Now that President Ibrahim Mohamed Solih has been elected emphatically, I hope that the Maldives will rejoin the Commonwealth and that we can restore full diplomatic relations with the country.

Andrea Leadsom: My hon. Friend raises an excellent point. We were very pleased that our non-resident ambassador to the Maldives represented the UK at the presidential oath-of-office ceremony in Malé on 17 November. We certainly welcomed President Solih’s announcement that his Government would commence steps to rejoin the Commonwealth. We also welcome his Government’s announcement on the freeing of political prisoners and launching of investigations into corruption, fraud and money laundering. Under previous regimes, democratic freedoms were restricted, but we stand ready to work with the new Administration to improve on the situation.

Pete Wishart (Perth and North Perthshire) (SNP): I thank the Leader of the House for announcing the business for next week. Given that it is St Andrew’s Day tomorrow, I say to you, Mr Speaker: lang may yer lum reek.

It is coming at last, a bit like Christmas without Santa or the festivities, and with everybody just that bit poorer: yes, Brexit vote day is almost here, with a generous five days to debate the so-called meaningful vote on the Government’s Brexit deal, which has about as much chance of getting through as I have of becoming Lord Speaker or a Church of England bishop. It is already a diseased deal. Like the great Norwegian blue parrot, this is a deal that will not even be pining for the Norwegian fjords. It will not even be pining for a Norway-plus deal. This deal, like that great comic parrot, is the only one in the aviary, so it is worth serious consideration.

The only question is how do we all this. I am grateful to the Leader of the House for her response about how the votes are going to progress: the process will follow the Procedure Committee’s recommendation that amendments are taken first. Will she confirm that it will not be a binary choice between the devil and the deep blue sea, and that an amended motion, if that is what the House wants, will be put to the House on 11 December? We need to know exactly what is going to be in line before we start the debate next week.

It now looks likely that the European Court of Justice—an institution so beloved of many of my Brexiter friends on the Government Benches—will judge that the UK and the Government can unilaterally halt article 50. The only question is how we do all this. I am grateful to the Leader of the House for her response about how the votes are going to progress: the process will follow the Procedure Committee’s recommendation that amendments are taken first. Will she confirm that it will not be a binary choice between the devil and the deep blue sea, and that an amended motion, if that is what the House wants, will be put to the House on 11 December? We need to know exactly what is going to be in line before we start the debate next week.

Sir John Hayes (South Holland and The Deepings) (Con): Diabetes is a plague across our nation. A total of 3.7 million people suffer from it—numerous in each of our constituencies—and that number has doubled in the past 20 years. Together with its consequent medical conditions, diabetes is life-limiting and, for many, life-ending. Perhaps most shockingly of all, the number of children diagnosed with diabetes has grown to record levels. Will the Leader of the House allow a debate on the subject of diabetes? It would allow us to explore how it can be prevented, diagnosed more quickly and treated more effectively. Our Prime Minister, with typical fortitude and resolve, copes with diabetes. The deputy leader of the Labour party has boldly fought it off. A debate would allow us to explore how more people can deal with it, cope with it and defeat it.
Andrea Leadsom: I completely agree with my right hon. Friend that this is a terrible condition that is affecting growing numbers of people and, as he rightly points out, growing numbers of children. My own husband suffers from diabetes, and we know the Prime Minister suffers from it. Many people live with it on a day-to-day basis and it is a very, very serious problem for them. I would certainly welcome such a debate, and he might well like to seek a Westminster Hall debate in the near future so that all colleagues can discuss the condition.

Mr Speaker: I take this opportunity to acknowledge that the right hon. Member for South Holland and The Deepings (Sir John Hayes) is now not merely a man of Lincolnshire; he is a knight of Lincolnshire. Try as I do, I can scarcely keep up with his status and achievements.

Ian Mearns (Gateshead) (Lab): The Backbench Business Committee is starting to feel like the Norwegian blue parrot. If it were not for the fact that it had been nailed to the perch, it would be pushing up daisies. To quote John Cleese, it would have “shuffled off” its mortal coil and gone to join the “choir invisible.”

We knew that we would not get Thursday 6 December, because this House will be discussing other matters that day, but the Committee was informed on Tuesday by some of its Conservative members that they had received communications from their own Chief Whip that the Committee would be allocated time on Thursday 13 December. Not being a body that is readily willing to dismiss the word of the Government Chief Whip, the Committee pre-allocated debates for that day, and we are now told, through the business statement today, that we will not get 13 December. By 13 December, it will be eight weeks since we have had Back-Bench time in this Chamber. I look forward to meeting the Leader of the House in early December to try to rectify this hiatus, but it is becoming overdue.

Andrea Leadsom: I am incredibly sympathetic to the hon. Gentleman. Let me make a brief comment about the report he gave about becoming aware of business from some Conservative members of the Committee. He will know that it is not unusual for Governments to dismiss the word of the Government Chief Whip, the Committee pre-allocated debates for that day, and we are now told, through the business statement today, that we will not get 13 December. By 13 December, it will be eight weeks since we have had Back-Bench time in this Chamber. I look forward to meeting the Leader of the House in early December to try to rectify this hiatus, but it is becoming overdue.

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Bob Blackman (Harrow East) (Con): I understand that the police funding settlement for next year will be published next week, as will the local authority funding settlement, yet I see that there is no opportunity for a debate in the business to be transacted for the next two weeks. Clearly, the decision on leaving the European Union is vital, but will my right hon. Friend find time for us to debate these very important issues, which are fundamental to the policing and local government of this country?

Andrea Leadsom: My hon. Friend makes a good point. He will appreciate that there is very important and time-constrained business over the next fortnight. We do, however, have Home Office questions on Monday 3 December, and I hope that he will take the opportunity to raise his concerns then.

Diana Johnson (Kingston upon Hull North) (Lab): It was a great pleasure for me to be able to present the hon. Lady her award, courtesy of the Political Studies Association, as Back Bencher of the year—a recognition of her extraordinarily diligent and effective parliamentary campaigning, specifically on the contaminated blood scandal. My sense was that that award to her was extraordinarily warmly received both at the dinner on Tuesday night and in many other quarters.

Diana Johnson: Thank you, Mr Speaker. When you presented the award to me, I thought you were trying very hard not to say, “She’s actually quite a bloody difficult woman and she’s not going to go away,” but I appreciated your remarks very much.

On Remembrance Sunday, BBC 2 broadcast the stunning Peter Jackson film, “They Shall Not Grow Old”, showing conditions on the frontline in world war one. I understand that the film was funded by the Heritage Lottery Fund, the Department for Digital, Culture, Media and Sport and the BBC. It is certain to become an important educational tool as we explain to the younger generations what happened in world war one. Unfortunately, it was only then on BBC iPlayer for seven days—as I understand it, because of the rights connected to the film. I wonder whether the Leader of the House might make representations to the Ministry of Defence, the Department for Education and the DCMS to see whether we can get the film back on BBC iPlayer, because it needs to be seen by as many members of the public as possible.

Andrea Leadsom: First, Mr Speaker, let me say that I share your delight at the hon. Lady’s award. She has certainly been a stalwart in this place, raising the issue of contaminated blood sufferers, and she has been absolutely right to do so. I totally value all the bloody difficult women in this place—and long may they continue to be so.

The hon. Lady typically raises a very important point in which all hon. Members will be interested. I would be happy to write to the DCMS on her behalf, but she will also be aware that we have DCMS questions on 13 December, and I recommend that she raise the matter then.

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): As the Leader of the House is aware, Somerset is a blackspot for broadband. One of the problems is that a lot of the installers are being accused and blamed. The situation actually—this is the topic on which I
would like a debate—is that one land agent has been pushing farmers not to sign up until they get an awful lot of money for allowing wayleaves. The agent, Greenslade Taylor Hunt, has recently been done for price-fixing—a huge amount of money. Broadband is almost a right now. If we do not allow people to get it and we cannot use statutory powers to get it to isolated places such as Exmoor, we are failing in our duty. Can we have time to discuss this issue?

**Andrea Leadsom:** My hon. Friend will be aware that the Government are committed to full fibre connections for the majority of homes and businesses by 2025, with a nationwide full fibre network by 2033. However, I do share his concern about some rural areas. There are many rural areas in my own constituency where the signal simply drops out. I recommend that he raise his specific points at Local Government questions on 10 December.

**Martin Vickers** (Cleethorpes) (Con): Following on from the point about police funding raised by my hon. Friend the Member for Harrow East (Bob Blackman), we in the Humberside police area have a particular problem with the pension contributions that the force may have to make, which could result in the loss of all our police community support officers. The Home Secretary was good enough to meet Humberside MPs earlier this week, but we could do with an opportunity to discuss the issue further. Will the Leader of the House find time for a debate?

**Andrea Leadsom:** My hon. Friend is right to raise this very important issue. He will be aware that we have provided the capacity for police and crime commissioners to access an extra £460 million this financial year. He will also be aware that my right hon. Friend the Home Secretary is determined to review the funding formula properly this year to make sure that police officers do have the resources that they need. We have Home Office questions on 3 December, and I encourage my hon. Friend to take the matter up there.

**Ellie Reeves** (Lewisham West and Penge) (Lab): Earlier this month, two people were stabbed to death in my constituency, including a 15-year-old child. Locally we have seen cuts to the police, child and adolescent mental health services, schools and youth services. I very much welcome the general debate on youth violence, but can the Leader of the House confirm that Ministers from across Departments will attend that debate to ensure that we have joined-up, cross-departmental approach to youth violence?

**Andrea Leadsom:** The hon. Lady raises an incredibly important issue. I think that all our hearts go out to the victims of knife crime, particularly those young people who have died in such appalling circumstances. She will be aware that getting young people out of a life of crime leading to serious violence is both a priority for the Government and a core part of our serious violence strategy. That, as she will be aware, is precisely why I am giving Government time for this debate in a couple of weeks.

**Andrew Selous** (South West Bedfordshire) (Con): May we have an urgent debate on the totally unacceptable lack of regulation of 16-plus children’s homes? This really matters for two reasons. First, many vulnerable children are in huge danger because they are not properly supervised and they run away a great many times. Secondly, there is a huge waste of police time going into finding these children, which means that our police officers are not available to other residents when they are needed.

**Andrea Leadsom:** My hon. Friend is right to raise this very serious matter. The same legislation and regulations apply to provision for those over the age of 16, and we do expect local authorities to safeguard these children in the same way that they would any looked-after child. It is for Ofsted to challenge those that are not meeting their duties. I hope he will welcome the fact that we are investing part of our £200 million children’s social care innovation programme in projects in London, where demand for placements outstrips supply, to increase councils’ capacity so that fewer children are placed far away from home. He might like to seek an Adjournment debate to raise the matters specific to his constituency and to get a response directly from Ministers.

**Colleen Fletcher** (Coventry North East) (Lab): It is welcome news that male suicide is at its lowest rate since records were first collected in 1981, but while this is encouraging, we cannot overlook the fact that there were still 4,382 male suicides registered last year. One such death is one too many. May we have a debate on what steps the Government, and indeed all of us, can take to further reduce the stigma around men’s mental health and to encourage men to open up and seek help when they are struggling and when they are in despair?

**Andrea Leadsom:** I am grateful to the hon. Lady for raising such a vital issue. She will be aware that the Government are investing significantly more—a record £12 billion—and are taking more action on mental health than any previous Government. In the Budget, the Chancellor announced that an additional £2 billion will go to funding mental health by 2023-24. For the first time, the NHS will be working towards standards for mental health that are just as ambitious as those for physical health. The hon. Lady might also be pleased to know that we have committed £1.8 million for the Samaritans helpline over the next four years, so that when people do want to talk, there is someone there to listen. It is an absolutely vital issue, and I know that all Members are committed to doing everything we can to solve the problem.

**Henry Smith** (Crawley) (Con): In recent weeks, unfortunately, there have been a number of serious knife crimes in Crawley, including a murder. Even though I welcome the Sussex police and crime commissioner recruiting 200 extra officers and the Third Reading of the Offensive Weapons Bill last night, can we have a statement from the Home Secretary on county lines drug running? These incidents are all related to drug gangs from outside the constituency. I endorse what the hon. Member for Lewisham West and Penge (Ellie Reeves) requested.

**Andrea Leadsom:** My hon. Friend raises the appalling problem of the spike in serious violence related to county lines and, in particular, knife crime. Tackling county lines is a huge priority for the Government. Our serious violence strategy includes a range of actions to
enhance our response to the issue. For example, we have established a new national county lines co-ordination centre, to enhance the intelligence picture and support cross-border efforts to tackle county lines. There is also funding for community projects, to encourage young people out of serious violence. I am sure my hon. Friend will want to take part in the debate we will have in two weeks’ time.

Vicky Foxcroft (Lewisham, Deptford) (Lab): Mr Speaker, I hope you will not mind if I thank the Leader of the House for securing a debate on tackling youth violence with a public health model. I have just one question of that debate. Can we ensure that all the Ministers from all the relevant Departments are here to listen, if not respond, to the debate? That is a key point of the public health model and approach.

Andrea Leadsom: First, I would like to pay tribute to the hon. Lady for her superb pushing of this issue—she is absolutely right to have done that—and her excellent contribution on the radio this morning, which I know many Members heard. I take on board what she says and will try to ensure that as many Ministers as possible are here to hear at least the opening of the debate.

Dr Matthew Offord (Hendon) (Con): In less than two weeks, the UK is due to attend the intergovernmental conference in Marrakesh, to adopt the global compact for safe, orderly and regular migration. Many of my constituents have emailed me to say they are concerned that signing the pact will encourage economic migration, reduce national sovereignty and weaken our border controls. With countries such as Switzerland and Italy refusing to sign until their Parliaments have debated the issue, and with allies such as the US, Israel and Australia refusing to participate, will the Government find time for a debate on that important matter before the pact is signed on our behalf?

Andrea Leadsom: My hon. Friend raises an important matter. He is right to have a care to issues around the protection of refugees, but also the importance of the integrity of national borders. We have Foreign Office questions on Tuesday 4 December, and I recommend that he raise the matter then.

Kelvin Hopkins (Luton North) (Ind): Early-day motions are a vital component of political expression for Back-Bench Members of this House and thus for our wider democracy. In recent times, however, the EDM service has been progressively diminished, such that new motions now disappear from listing in the blue pages very quickly, and there is no consolidated list of recent EDMs printed each week. Will the Leader of the House use her good offices to press the House authorities to restore the EDM service to its former strength and ensure its long-term future?

Andrea Leadsom: My hon. Friend raises a very important issue. He will be aware that section 34 exemptions can be incredibly valuable in protecting free and open debate between advisers, Ministers and Members of Parliament. However, he is right to raise concerns about the proper use of such exemptions, and I encourage him to seek a Westminster Hall debate so that Members can share their views.

Bambos Charalambous (Enfield, Southgate) (Lab): On 5 November, a 98-year-old man was seriously assaulted in his home and remains in hospital following an aggravated burglary in my constituency. Since then, there have been subsequent burglaries and serious crimes committed in my constituency. Will the Leader of the House find time for a debate on police funding and the rise in crime nationally?

Andrea Leadsom: I am so sorry to hear about that. I am sure that was an appalling experience, and I am sure that all of us would want to send our best wishes to the hon. Gentleman’s constituent.

The hon. Gentleman has raised again the problem of serious knife crime, and I think the whole House shares that concern. That is why we are going to have a debate in two weeks’ time, and I do hope he will take part in it. As he will be aware, we have a serious violence taskforce. It is very clearly focused on trying to reduce the appalling incidents of knife crime, looking at prevention methods wherever possible to discourage young people from such an approach. In addition, I am sure he will welcome the fact that the Offensive Weapons Bill completed its stages in the House yesterday. We do therefore have some more measures that will prevent young people from accessing serious weapons that cause so much damage.

Simon Hoare (North Dorset) (Con): The Dame Laura Cox report shone a spotlight on the need for transparency, honesty and openness in this place on issues that are of concern to Members across the House and, indeed, to the country as a whole. My right hon. Friend the Leader of the House will know that I have some residual concerns about the robustness and efficacy of the House of Commons Commission in dealing with these matters. I have described it in previous exchanges as a cross between the Magic Circle and the College of Cardinals. Will she guarantee a debate in Government time on the rules and terms of reference of the Commission to ensure that it is fit for purpose and meets the much higher bar of expectation—both in this place and in the country as a whole—of the standards now upon us?

Andrea Leadsom: My hon. Friend raises an issue in which I know the House of Commons Commission itself has shown some interest. I believe it wishes to be as transparent and open as possible. Certainly, from very preliminary discussions about the Cox report, I believe that Dame Laura’s view that serious reform is necessary has fallen on fertile ground. I think that we will be able to make further progress on that in due course.
Paula Sherriff (Dewsbury) (Lab): I refer to my entry in the Register of Members’ Financial Interests.

On Monday, I attended the launch of the GMB “Work to Stop Domestic Abuse” charter, and we heard some incredibly powerful testimonies from survivors of domestic abuse. The charter is an aide-mémoire to encourage employers to take action, including by offering paid leave to survivors and victims of domestic violence, offering policies and toolkits in the workplace, and empowering staff to take action and seek help if they are suffering domestic abuse. May we have a debate on how we can encourage other employers to take up this much needed charter?

Andrea Leadsom: First, I pay tribute to the hon. Lady for her work in this area. She is absolutely right that we need to do everything we can to protect people from domestic violence, and employers can certainly do a lot more. I too have been very interested in supporting campaigns that seek to have employers take a much stronger interest in this issue. She will be aware that the Government have carried out a consultation on a domestic violence Bill, and we will bring forward draft legislation soon. We have also committed funding of £100 million to services for preventing violence against women and girls, to support organisations that are tackling domestic violence and abuse, including £8 million to support children. We all agree that there is much more to be done, but I think we are all on the same side.

Clive Efford (Eltham) (Lab): We are about to embark next week on one of the most important debates that this House has ever had to undertake. We are going to have 32 hours of debate over the five days, which allows roughly four minutes per Back Bencher if every one of them wants to speak, allowing for the payroll vote. Through the Leader of the House, may I ask the usual contributors in those calculations.

Andrea Leadsom: The hon. Gentleman will be aware that the business of the House motion proposal has been tabled and is available in today’s remaining orders. The Government are determined to provide plenty of time for debate ahead of the meaningful vote on 11 December, and I hope colleagues will recognise that in providing five days of debate and specifying that the House should consider amendments ahead of the main question, they have sought to be helpful to the House. There will be a debate on the proceedings for the meaningful vote, during which the hon. Gentleman will be able to make his representations.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): I am recruiting for a parliamentary researcher in Westminster, and I want that position to be open to applicants from all backgrounds and regions. An applicant from the greatest city in the world, Newcastle, was put off by the absence of any support for relocation to work here as a member of staff, although such support is available for Members of Parliament. Does the Leader of the House agree that this place must be open to people from all backgrounds and regions as both members of staff and Members of Parliament, and may we have a debate on how to make that a reality?

Andrea Leadsom: I certainly agree that we want as diverse a range of candidates as possible to come forward to work in this place. The hon. Lady will be aware that through the working group on harassment and bullying we have done a lot to ensure that when people come to this place and start working here, they get the training and support they need, and all the help that they can use to enable their job to be successful. On the hon. Lady’s specific point about help with the costs of relocating to Parliament, I am happy to discuss that with her separately if she would like to write to me.

Chris Law (Dundee West) (SNP): I am sure all parliamentarians agree that one of the most important pillars of a modern democracy is freedom of the press. There seems to be an exception, however, because yesterday on her visit to Scotland the Prime Minister refused one of our biggest newspapers access to a press event. Today, The National quite rightly ran a front page with a silhouette of the Prime Minister, and it has refused to cover the story. May we have an urgent statement from the Prime Minister to explain her reason for refusing access to The National, and to explain in this House the importance of a free press?

Andrea Leadsom: I am not aware of the particular situation that the hon. Gentleman describes, but during the past two weeks, my right hon. Friend the Prime Minister has spent more than nine and a half hours at the Dispatch Box, in the seat of our democracy in Parliament, taking questions from right hon. and hon. Members across the House who represent the interests of their constituents. To suggest that somehow she has not been accessible would be very, very short of the mark.

Mrs Madeleine Moon (Bridgend) (Lab): A constituent was diagnosed with a glioma brain tumour in 2013, and she was given between three and five years to live. There is no treatment, but currently she is stable. She moved house and found a smart meter in place, and she has become extremely anxious and fearful about microwave radiation from that smart meter exacerbating the brain tumour. She went to British Gas and asked for it to be removed, but it refused, so she came to me. British Gas sent the most awful reply, basically refusing to remove the meter. May we have a debate about the responsibility of utility companies to consider people with serious medical conditions who have concerns and anxieties about issues such as smart meters, and to meet their consumer protection duties?

Andrea Leadsom: I am so sorry to hear about the illness of the hon. Lady’s constituent, and I am glad that she turned to the hon. Lady to seek help. I am sure she will have dealt with the issue in her usual forthright way. She raises an important point, which is that private sector businesses and public sector services need to deal with the unique circumstances in which some of our constituents find themselves. I am sympathetic to
her concerns, and I encourage her to seek either an Adjournment debate on that specific point, or a more general debate about consumer protection in Westminster Hall.

**Marion Fellows** (Motherwell and Wishaw) (SNP): On 14 November the Prime Minister told me in the Chamber that she is “sure the Post Office is making decisions that it believes are right for local communities and to ensure that services are there where they are needed.”—[Official Report, 14 November 2018; Vol. 649, c. 310.]

It will come as no surprise to many that I disagree with the Prime Minister. May we have a debate in Government time to discuss Post Office decisions and their effect on our local communities?

**Andrea Leadsom:** I have to say to the hon. Lady that I am a big fan of post offices. In my constituency, their opening hours are far superior to those of banks. Where the “last bank in town” issue has been a problem in my constituency, the post office, which offers basic banking services for all the major retail banks, has stood them in good stead.

The hon. Lady will be aware that the Government have invested significant sums in Crown post offices and that they are not reducing, in aggregate, the availability of post office services to the public. Whenever the provision of services changes, the Post Office must consult widely. If the hon. Lady finds that that has not been her experience I encourage her to raise that in an Adjournment debate, so that she can discuss it directly with Business, Energy and Industrial Strategy Ministers.

**Kevin Brennan** (Cardiff West) (Lab): The Leader of the House confirmed in her earlier remarks that the Attorney General could consent to the release of his advice to the Government on the Brexit deal if he deemed it expedient. Given the nature of the decision we are taking, is she not at all concerned that, should the full legal advice not be made available despite concerns about precedent, there is a real danger that history will look back at something that was not disclosed at the time and look very heavily at the decision taken by the Government?

**Andrea Leadsom:** As I said earlier, the Government will make available to all Members a full reasoned position statement laying out the Government’s legal position on the withdrawal agreement. The hon. Gentleman will be aware that the Attorney General is ready to assist further by making an oral statement on Monday. He will take questions from all Members in the normal way. I genuinely believe that will give all right hon. and hon. Members the opportunity to get the answers they are seeking.

**Rachael Maskell** (York Central) (Lab/Co-op): This is the busiest time of the year for our post offices. Our postal workers’ futures in York are being determined over a six-week period, closing on 28 December. Clearly postal workers are distracted, when they have to focus on serving us. This situation needs more than an Adjournment debate. It has impacted 74 post offices across the country, so may we have a full debate on the future of our Crown post offices?

**Andrea Leadsom:** The hon. Lady has raised the issue of post offices in York previously, and I absolutely commend her for doing so. I take this opportunity to pay tribute to all our hard-working postal workers, who are extremely busy at this time of year. I am sure a lot of us will be visiting them and expressing our gratitude more directly. She raises an important point, which was also raised by the hon. Member for Motherwell and Wishaw (Marion Fellows). I encourage them both to seek a Westminster Hall debate, so that hon. Members can raise this issue directly with Business, Energy and Industrial Strategy Ministers.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): As a product of the Catholic education system in Scotland, may I ask the Leader of the House to join me in celebrating the centenary of the Education Act 1918? This was the Act that saw Catholic schools transfer from diocesan control to state governance. The alumni of those schools have made an extraordinary academic, cultural, civic and social impact over the past century. I am looking forward to visiting my former school tomorrow, Turnbull High School, which, along with St Roch’s, All Saints, St Mungo’s, St Andrew’s and John Paul Academy, educates many of my young constituents. Will the Leader of the House hold a debate on the ways in which Catholic schools are good not just for Catholics but for the nation as a whole?

**Hon. Members:** Hear, hear.

**Andrea Leadsom:** I think the hon. Gentleman will have heard that resounding “Hear, hear” from the Government Benches. There is obviously a lot of support for his view. I am delighted to join him in marking the centenary of the Education Act 1918 and in congratulating all those schools in Scotland, which do so much to educate the next generation.

**Alien Thewliss** (Glasgow Central) (SNP): Today marks five years since the police helicopter crashed into the Clutha bar in Glasgow, killing 10 people, and Glasgow is preparing to mark it today. I would like to remember in this House those who were killed: Gary Arthur, Samuel McGhee, Colin Gibson, Robert Jenkins, Mark O’Prey, John McGarrigle, Joe Cusker, PC Kirsty Nels, PC Tony Collins and the pilot, David Traill. My thoughts are with their families and those who were injured in the crash. Would the Leader of the House like to pay tribute to them as well?

**Andrea Leadsom:** The hon. Lady raises the tragic helicopter crash in Glasgow. All right hon. and hon. Members would want to send their condolences to the families and friends of all those who died, and we always hope and pray that such a thing never reoccurs. On this important anniversary, we send our very best wishes.

**Gareth Snell** (Stoke-on-Trent Central) (Lab/Co-op): To their credit, the Government have led on the reduction of modern slavery. The Modern Slavery Act 2015 and the announcement by the Home Office are welcome, but the Leader of the House will know that the noble Lord McColl’s Bill, the Modern Slavery (Victim Support) Bill, is currently languishing at the bottom of the list of private Members’ Bills on Fridays. Could I encourage her, through her offices, to use whatever mechanism might be available to her to allow the Bill to progress at least to Committee? Many Members across the House...
would wish to support it, and I know that the Government, given their particular wording earlier in the year, would want to offer their support as well.

**Andrea Leadsom:** I am grateful to the hon. Gentleman for raising the importance of private Members’ Bills. The Government certainly support the need for them and are very keen to ensure that progress is made. He will be aware that I have tabled a revised motion to give the House an additional six sitting Fridays for private Members’ Bills and that the Opposition have tabled an amendment to that motion to reduce it back to five. I remain very keen for the House to have those additional days to debate private Members’ Bills, and discussions continue through the usual channels.

**Alan Brown (Kilmarnock and Loudoun) (SNP):** My constituent, James Potts, is married to a Thai national, but the immigration service has refused family visitor visas to his mother-in-law and sister-in-law. As there is no appeals process, their simply reapplying might lead to the same outcome. James has heart issues so it is difficult for him to travel to the other side of the world. With the best will in the world, if they did breach visa conditions, it would not be difficult to find them in Kilmarnock. Can we have a Government statement on why there is an automatic assumption that people will not return home and why there is no appeal process whereby MPs can assist their constituents?

**Andrea Leadsom:** I am extremely sympathetic to what the hon. Gentleman says. I have also had constituency cases where parents or relatives have wanted to visit but have been turned down on the ground that it is suspected that they might not go home afterwards. I recently had a success where a non-resident parent was able to come and visit, and I was sent some fabulous photos of the family reunion, so I am extremely sympathetic. I encourage him to raise this point directly at Home Office questions on 3 December.

**Chris Elmore (Ogmore) (Lab):** The Leader of the House will be aware—because I ask her frequently about this—of my campaign to improve connectivity across my constituency. This time, I am specifically concerned about the roll-out of broadband. The providers say that one issue with the geography of constituencies such as mine is that the rolling and sweeping valleys make connectivity very difficult. Could we have a debate on broadband roll-out, specifically in relation to the hardest-to-reach places, not just in rural areas but across valley communities?

**Andrea Leadsom:** Yes, the hon. Gentleman does occasionally raise this matter in business questions, and is absolutely right to do so. I must reiterate that I also suffer from a lack of broadband in my constituency. All of us with hard-to-reach places would sincerely sympathise with his constituents. We have DCMS questions on Thursday 13 December, and I encourage him to raise this directly with Ministers.

**Jim Shannon (Strangford) (DUP):** A new report from the United States Commission on International Religious Freedom finds a deeply troubling rise in the amount of content in school textbooks in Saudi Arabia promoting hatred. These textbooks encourage violent and non-violent jihad against non-believers and espouse the death penalty for women who allegedly have an affair, as well as demonising Christians, Shi’a and Sufi Muslims, non-Muslims and critics of Islam. Such textbooks fuel hatred and violence in Saudi Arabia and abroad, as they consistently find their way into the hands of extremist groups such as Daesh. This increase in hateful content also raises serious questions about the Saudi Government’s commitment to reform. Will the Leader of the House agree to a statement or debate on this issue?

**Andrea Leadsom:** The hon. Gentleman raises a very important issue not just about the discrimination and persecution of people for their faith, or indeed, for not having a faith, but the way in which some of the extremist material then gets distorted and used by those who would become terror perpetrators. He is absolutely right to raise this issue. We have Home Office questions on Monday 3 December and Foreign Office questions on Tuesday 4 December, and I encourage him to raise it there.
Improving Education Standards

12.10 pm

The Minister for School Standards (Nick Gibb): I beg to move,

That this House has considered improving education standards.

Since May 2010, the Government have been determined to drive up academic standards. Our overarching objective has been to ensure that every local school is a good school with a rigorous curriculum, higher standards of reading and maths, and with GCSE and A-level qualifications that are on a par with the qualifications used in the best performing countries in the world. Our drive has been to close the attainment gap between children from disadvantaged backgrounds and their more advantaged peers.

In 2010, just 66% of pupils were attending schools judged by Ofsted to be good or outstanding; today, that figure is 84%. We focused on improving behaviour in schools by clarifying the powers that teachers have in the classroom, by scrapping the absurd law that Labour had introduced requiring 24 hours’ written notice for detention for a pupil, and we prevented headteachers’ decisions over expulsions from being undermined by giving them the final say over the return of a pupil. We clamped down on poor attendance and increased the fines for parents who failed to send their children to school. We expanded the academies programme to allow any good school, including primary schools, to opt for the professional autonomy that comes with academisation, and we expedited the route to sponsored academy status for those schools that were seriously underperforming.

There are now over half a million pupils in sponsored academies rated good or outstanding—those schools typically had been chronically underperforming, so that means over half a million pupils receiving a better education. Such schools include Great Yarmouth High School, which was judged inadequate by Ofsted in 2016. It converted to sponsored academy status in 2017 and was taken over by the multi-academy Inspiration Trust with a new headteacher, Barry Smith. Within a year, the school had been transformed. In May this year, Nicholas Marshall, an academic from Sheffield Hallam University wrote:

“Numerous teachers and support staff alike mentioned that the standards of pupil behaviour in the predecessor school were appalling and dangerous and how they had felt threatened. This was not now the case.”

He went on to write:

“The support staff...recounted stories in the predecessor school of large groups of students running around the school and disrupting learning, with adults being treated with gross disrespect and threatened.”

That has all changed. Ofsted now reports that bullying has declined and that lessons take place in a calm and orderly environment.

In 2017, the predecessor school, Great Yarmouth High School, had a Progress 8 score of minus 0.57, in the bottom 12% of schools nationally, with only 6% of pupils achieving the EBacc at grade 4 and just 30% achieving a grade 4 or above in English and maths. Now, just a year after conversion to academy status, Great Yarmouth Charter Academy has 55% achieving a grade 4 or above in English and maths in its provisional GCSE results, and it intends that to rise further still.

At Downhills Primary School in Haringey in 2011, just 63% of pupils were achieving the expected standard in the old SATs in reading, writing and maths combined, compared with the national average at the time of 79%. The school was judged inadequate, and in 2012, became a sponsored academy in the Harris Federation multi-academy trust. This move was bitterly opposed by the National Union of Teachers, but today, the school is judged as good by Ofsted, 78% of its pupils are achieving the expected standard in reading, writing and maths in the new more demanding SATs, compared with the national average of 61%, and 82% of its pupils are reaching the expected standard in the new reading SATs.

Nigel Huddleston (Mid Worcestershire) (Con): I agree with everything that the Minister is saying about the improvements that can come from moving to a multi-academy trust. What practical support do schools get from Government to make that transition, which can sometimes be quite difficult, including financially difficult for some?

Nick Gibb: My hon. Friend raises an important point. Grants are given to schools to help to fund the conversion process. About two thirds of secondary schools now have academy status and a significant proportion of primary schools—the figure is, I think, just under one third—have now converted to academy status.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): While the Minister is talking about the conversions to academy status, will he explain why he thinks it is fair that when schools that have a deficit in their overall funding or their budget convert to academy status, that deficit stays with the local authority, rather than going into the multi-academy trust chain? Often, that just produces an additional financial burden for local government.

Nick Gibb: The reasoning behind that decision is, of course, that the deficit arose during the period in which the school was under the control of the local authority. That is why the deficit remains with the local authority on conversion.

Gareth Snell: I thank the Minister for being so candid with his answer. Will he explain, therefore, why it is that when schools have a surplus in their revenue budgets, that money goes into the multi-academy trust chain rather than staying with the local authority, given that that surplus will also have arisen under local authority control?

Nick Gibb: The reason for that is twofold. First, the surplus is often working capital and secondly, the school may well have been saving money from their revenue funding to purchase a capital item or to build a science block, and so on, and it would be a pity for those plans not to go ahead simply because they were being converted to academy status.

In opposition, when we were developing our academies and free school policy, we also came to the view that the policy would lead to higher standards not just in academies and free schools, but in local authority maintained schools. Last year, 83% of pupils at St Bonaventure’s Roman Catholic School were entered for the EBacc, up from just 33% in 2015. At St Paul’s Church of England

Primary School in Staffordshire in 2014-15, only 50% of its pupils were reaching the expected standard in reading, but last year, that had risen to 87%. I am sure that I could find a lot of other examples of local authority schools that have improved their standards under this Government.

Of course, it does all begin with reading. Central to our reforms has been ensuring that all pupils are taught to read effectively. Pupils who are reading well by age five are six times more likely than their peers to be on track by age 11 in reading, and counter-intuitively, 11 times more likely to be on track in mathematics. For decades, there has been a significant body of evidence demonstrating that systematic phonics is the most effective method for teaching early reading. Phonics teaches children to associate letters with sounds, providing them with the code to unlock written English. Despite that evidence, our phonics reforms were initially met with opposition from some. They were dismissed by some critics as being a traditional approach. I make no apology for this, because phonics works. I pay particular tribute to the former Labour Mayor of Newham, Sir Robin Wales, who, in his independent way, promoted phonics and reading in Newham. Despite being an area of significant disadvantage, Newham now boasts the best phonics results in the country. Labour deselected Sir Robin as its mayoral candidate earlier this year.

In England, schools’ phonics performance has significantly improved since we introduced the phonics screening check in 2012, when just 58% of six-year-olds correctly read at least 32 out of the 40 words in the check. Today that figure is 82%, which means that 163,000 more six-year-olds are on track to be fluent readers this year compared with 2012. In 2016, England achieved its highest ever score in the reading ability of nine-year-olds, moving from joint 10th to joint eighth in the Progress in International Reading Literacy Study—PIRLS—rankings. This follows a greater focus on reading the primary curriculum and a particular focus on phonics.

We need to go further, of course, so backed by £26 million of funding, we have selected 32 primary schools across the country to spread best practice in the teaching of phonics and reading. Our aim is for every primary school to be teaching children to read as effectively as the best, and I will not stop going on about phonics until this is achieved. Reading is the essential building block to a good, fulfilling and successful life.

We reformed the primary school national curriculum in 2014, restoring knowledge to its heart and raising expectations of what children should be taught, particularly in English and maths. Since 2011, the attainment gap between disadvantaged pupils and their more affluent peers has narrowed in both primary and secondary schools in England.

Rachael Maskell (York Central) (Lab/Co-op): York is the worst-funded authority in the country, we have the widest attainment gap in the country, and our poorest schools in the most deprived areas have suffered the biggest cuts. How does the Minister correlate that evidence?

Nick Gibb: The national funding formula ensures that all areas of the country, including York, are funded on a fair basis. Pupils will receive the same amount wherever they go to school, on the basis of an initial single figure that is the same throughout the country. That represents about three quarters of the national funding formula. The other quarter is determined by the additional needs of the pupil, so a significant element of it is based on disadvantage, whether it relates to the income deprivation affecting children index, free school meals, low prior attainment, or a child who has English as an additional language. Where a particular area fits into the rankings of other local authorities will depend on the number of pupils with additional needs. That is a fair system. It should have been introduced when the Labour party was in office, but Labour left it to us to make a controversial decision to ensure that we have a fair funding system.

Rachael Maskell: Can the Minister explain how he proposes to close the attainment gap in York, which is the worst in the country, given that we also receive the worst funding?

Nick Gibb: It is our determination to ensure that every part of the country has higher levels of social mobility, and that every part of the country has high academic standards. We have 12 opportunity areas around the country where we are focusing extra resources and extra attention from our national campaigns to ensure that those areas improve their academic standards. We are also rolling out schemes such as the English hubs that I mentioned, which ensure that we spread best practice in the teaching of reading. We have maths hubs, which ensure that we spread best practice in the teaching of mathematics, and we are spreading best practice in the teaching of modern foreign languages. Wherever there is a gap in attainment, we take action to close that gap, and we take swift action to deal with schools—wherever they are—that are underperforming and not providing the quality of education that parents want and that we want for our young people.

Nigel Huddleston: I thank the Minister for giving way again. He is being generous with his time.

I wholeheartedly support not only the goals for improving standards, but the fairer funding formula. Schools in my constituency are funded in a similar way to those in the constituency of the hon. Member for York Central (Rachael Maskell). We really appreciate the efforts being made to improve school funding in my constituency, because it does make a difference, and I hope that they will be fully implemented very soon.

Nick Gibb: I am grateful to my hon. Friend for his supportive comments. We are, in a transition period—or implementation period, if you like—allowing local authorities to determine the allocations to individual schools within a local authority area, both this year and next year and in 2020-21. However, the funding for those authorities is determined on a school-by-school, pupil-by-pupil basis to ensure that every authority is funded on the basis of the children in its area.
The Government have reformed GCSEs to put them on a par with the best in the world, and A-levels have been reformed to improve students’ readiness for the demands of higher education. We have also introduced the English baccalaureate school performance measure to ensure that all pupils have the chance to create a solid academic foundation on which they can build their future. The EBacc is a specific measure consisting of GCSEs in English, maths, at least two sciences, history or geography, and a language. According to the Russell Group of universities, those are the subjects which, at A-level, open more doors to more degrees. They provide a sound basis for a variety of careers beyond the age of 16. They can enrich pupils’ studies and give them a broad general knowledge that will enable them to participate in and contribute to society.

Confining the EBacc to seven or sometimes eight GCSEs also means that pupils have time to study other subjects, including the arts, music and technical disciplines. Indeed, the vast majority of pupils continue to take the opportunity to study further academic GCSEs or high-value, approved vocational qualifications at key stage 4 alongside EBacc subjects. Under this Government, the percentage of pupils taking the EBacc suite of core academic subjects in state-funded schools has risen from just 22% in 2010 to 38% in 2018. However, we want the percentage to rise further, with 75% starting to study the EBacc by 2022 and 90% by 2025.

Having a secure grasp of the basics of mathematics, including multiplication tables, is crucial for children’s success in moving on to more complex mathematical reasoning. The national curriculum stipulates that children should be able to recall tables up to and including the 12 times table by the end of year 4. Next year we will introduce a new multiplication tables check in primary schools, to be taken by year 4 pupils, to ensure that every child knows their tables. That short on-screen check, which is easy to administer, will help teachers to identify pupils who may need more support in mastering their times tables, and will allow schools to benchmark their own performance against those of others.

Inspired by the success of the far east and building on the reformed national curriculum, we have established and funded a network of 35 maths hubs which are spreading evidence-based approaches to maths teaching through the teaching for mastery programme. We have invested a total of £76 million to extend the programme to 11,000 primary and secondary schools by the end of the current Parliament. The number of pupils taking maths A-level has risen for the past eight years, and it is now the single most popular choice. To encourage even more pupils to consider level 3 mathematics qualifications, we have launched the advanced mathematics support programme, giving schools an extra £600 per year for each additional pupil taking maths or further maths A-level or any level 3 mathematics qualification.

For the good of our economy, we need to equip more young people to pursue degrees and careers in the sciences, including computer science. We have already seen remarkable progress: entries to A-levels in science, technology and maths have increased by 23% since 2010. We are investing in programmes that improve science teaching, support teacher retention, and increase take-up in subjects such as physics. That includes the network of science learning partnerships, which delivers continuing professional development through school-led hubs, and the stimulating physics network, which is helping schools to improve the take-up of A-level physics, especially by girls.

As a global trading nation, we need to raise the profile of languages, and we are determined to increase the number of students studying a language to GCSE. The proportion of pupils taking a foreign language in state-funded schools was 40% in 2010, and today it stands at 46%. We have introduced a package of measures to support language teaching, and to encourage more students to study modern foreign languages at GCSE and A-level. That includes the modern foreign languages pedagogy programme that I mentioned earlier, a mentoring pilot scheme and generous financial incentives, including scholarships and bursaries, to encourage more people to consider language teaching.

You may not have heard of the Mandarin excellence programme, Madam Deputy Speaker, but it is a hugely successful example of what can be achieved through targeted programmes. According to the CBI’s education and skills annual report, which was published this month, education is the number one driver of productivity and economic prosperity. Mandarin Chinese boosts career opportunities: 37% of UK businesses cited Mandarin as useful to their business, up from just 28% in 2016. Our £10 million Mandarin excellence programme is on target to put at least 5,000 young people on track towards fluency in Mandarin Chinese by 2020. A total of 64 schools have joined the programme, and approximately 3,000 students are now participating. They study Mandarin for eight hours a week, spending four hours in class and four doing homework. The programme is proving hugely successful. At the end of each year the students take a hurdle test to ensure that they are progressing towards fluency, and they are all performing extremely well.

The EBacc may be at the heart of the curriculum, but it is not the whole curriculum. The Government believe that the EBacc should be studied as part of a broad and balanced curriculum, and that every child should experience a high-quality arts and cultural education throughout their time at school. To secure that breadth, each of dance, music, art and design, and drama are compulsory in the national curriculum from ages five to 14.

There are many examples of schools where the majority of pupils study the core academic curriculum while the arts continue to flourish. At Northampton School for Boys, for example, pupils take the EBacc but are also able to keep their options open in studying other subjects such as music, drama and art. Arts are promoted at the school with over 20 ensembles and choirs, and there are many extracurricular opportunities for pupils to experience a creative and varied arts programme.

We are also putting more money into arts education programmes—nearly half a billion pounds to fund a range of music and cultural programmes between 2016 and 2020; that is more than for any subject other than PE. The funding includes £300 million for our network of music education hubs. Just last month, the Arts Council published a report that showed that, through the hubs, over 700,000 children learnt to play instruments in class together last year.

As well as learning to play instruments, children should be taught to listen to music across a range of historical periods, genres, styles and traditions, including
the works of the great composers and musicians. That is why our Classical 100 resource produced by the Associated Board of the Royal Schools of Music, Classic FM and Decca is so important. Over 5,500 schools are already using—[Interruption.] I think that is on the list, so well done to the hon. Member for Wythenshawe and Sale East (Mike Kane). Over 5,500 schools are already using this excellent resource, which is free for all primary schools and I encourage others to do the same.

A culture of good behaviour in schools is critical to enabling pupils to fulfill their potential. We are continuing to support schools to create disciplined and safe environments that allow pupils to be effectively taught. For some schools, standards of behaviour remain a challenge. Poor behaviour not only has a negative impact on pupils’ education and wellbeing, but affects the experience of teachers in schools. That is why the Government commissioned Tom Bennett’s review of effective behaviour, “Creating a culture”, which highlights strategies that schools can deploy to design, build and maintain a school culture that prevents classroom disruption, maintains good discipline and promotes pupils’ education. To make sure our work on behaviour is embedded in the system, we recently announced a £10 million investment to enable schools to share best practice on behaviour and classroom management.

All these reforms have been delivered against the backdrop of a changing landscape in terms of the autonomy of schools themselves. Through academies and free schools, we have given frontline professionals, local communities and parents more freedom and choice. Since 2010, the number of academies has grown from 200 to over 8,200 including free schools. More than a third of state-funded primary and secondary schools are now part of an academy trust. The reforms of the last eight years show that autonomy and freedom in the hands of excellent heads and outstanding teachers can deliver high-quality education.

Converting to become an academy is a positive choice made by hundreds of schools every year to give great teachers and heads the freedom to focus on what is best for their pupils. Academy status leads to a more dynamic and responsive education system by allowing schools to make decisions based on local need and the interests of their pupils. It allows high-performing schools to consolidate success and spread that success to other schools.

The figures speak for themselves. Some 65% of inspected sponsored academies whose predecessor schools were judged to be inadequate now have either good or outstanding Ofsted judgments. Around one in 10 sponsored academy predecessor schools were good or outstanding before they converted, compared with almost seven in 10 after they became an academy where an inspection has taken place.

Beaver Green Primary School in Ashford, Kent is a good example of how a school can be turned around. Judged as inadequate by Ofsted in 2013 and with a long history of underperformance, it became an academy in 2015 and last year was Ofsted-rated good in all areas, with the early years provision being rated as outstanding. Newfield Secondary School in Sheffield was rated as inadequate from 2006 until October 2010. But meaningful improvements began to take place when the school became an academy, and when it was inspected in March 2017, for the first time as an academy, it was judged as good. At its best, the multi-academy trust model can be a powerful vehicle for improving schools. It allows high-performing schools to consolidate success and spread that excellence to other schools.

Theresa Villiers (Chipping Barnet) (Con): Does my right hon. Friend agree that, among high-performing schools, that can include pupil referral units? There is an excellent pupil referral unit in my constituency called the Pavilion, and I would welcome my right hon. Friend’s affirmation that these units can provide excellent education, which is not always recognised by the general public.

Nick Gibb: My right hon. Friend is right. We have published our vision document for alternative provision. We want the right pupils in the right provision. Like her, I can point to excellent examples of alternative provision. The London East Alternative Provision School in Tower Hamlets provides an ordered, calm environment where young people can get their education back on track, and half the pupils who attend that unit manage to achieve a GCSE in maths or English. The Wave Multi Academy Trust in Cornwall is a chain of alternative provision schools which provide an excellent second chance for young people who have lost their way sometimes in education. Since 2012, WISE Academies—a mainstream schools multi-academy trust in the north-east—has taken on nine sponsored academies, all of which previously had significant performance concerns. The trust reduced teacher workload through more efficient lesson planning and the creation of shared resources, and introduced new ways of teaching such as maths mastery techniques brought over from Singapore. That has contributed to every school that has been inspected since joining the trust being judged as good or outstanding.

This is a Government who for more than eight years have been unflinchingly driving up standards in schools with a reform programme that is already delivering more good schools, better-quality qualifications, children reading more fluently, improved mathematics, higher expectations, more control for teachers over pupil behaviour, and more than 800,000 new school places. Opposite we have the serried—or sparse, today—ranks of Labour MPs, whose party opposed our reforms every step of the way, opposed the phonics check and opposed the EBacc, which is giving opportunities of study to the most disadvantaged that are routinely enjoyed by the most advantaged. It is a Labour party that is the enemy of social mobility and the enemy of promise, and that in office presided over declining standards, grade inflation and a proliferation of qualifications that had little value in the jobs market. And it is a Labour Party that would scrap the free schools programme: a programme that led to the establishment of Dixons Trinity Academy, Bradford, which was eighth in the country last year for Progress 8 and 82% of whose pupils were entered for the EBacc; and the Harris Westminster School, which tells us that, with 40% of its pupils from a disadvantaged background, 18 pupils went to Oxbridge last year.

The contrast between the two parties has never been starker: improving education standards delivered by a Conservative Government; and low expectations and falling academic standards, the hallmark of Labour’s approach to education.

12.38 pm

Mike Kane (Wythenshawe and Sale East) (Lab): In the past fortnight, we have seen the most unstable period of government since the Maastricht rebellion of
Mike Kane: They certainly did, and much of the improvement came from 2010 when we identified resources for coaching schools before we left government. The Minister, who has no formal pedagogic training, has based today’s debate on the back of a ConservativeHome article from a couple of weeks ago. He does not want experts to advise him. He has resisted the experts. He does not want to hear from our world-class universities and teaching institutions, which our competitors in the PISA rankings use to improve their education.

The Minister tells us that success and attainment in the primary school curriculum have gone up, but let us deconstruct that. All the international evidence produced over the past 30 years shows that interventions in the curriculum—and the Minister has had a few—and testing produce disruption to teaching and learning whereby results initially start low, rapidly improve as teachers and students learn what they need to do in order to do well in the tests, then tail off and plateau as this artificial improvement stops. This is known as teaching to the test. He can produce the statistics, but even Ofqual has recognised this problem as the “sawtooth effect”. That is what happens when we change the curriculum.

The Minister talked about the primary test. It is one of the numerous directed tests placed on schools, and it is adding administrative burdens. He is trying to run 22,000 schools from Great Smith Street. Why? Artificially inflated test results say nothing about the real quality of teaching, learning and standards achieved. We are narrowing the curriculum to cramming for tests in maths and English. In examining terms, we are measuring the construct of test-taking rather than the real knowledge of maths and English, let alone all the other worthwhile school subjects such as music and drama that have been pulled out of the curriculum because of the narrowing of the focus of the curriculum in this country. This is happening because somebody without any pedagogical knowledge feels fit to direct schools in what they teach. Primary schools already teach multiplication, and we do not need more money to be wasted on testing it. We need more money to be spent on teaching it.

Let us address the Government’s academies expansion and their free school programme. The Minister cited no evidence that any of their reforms have genuinely improved standards in schools or outcomes for pupils. In fact, more than 100 free schools that opened only in the last couple of years have now closed, wasting hundreds of millions of pounds in this failed programme.

Neil O’Brien (Harborough) (Con): I am enjoying the hon. Gentleman’s speech very much. Why does he think that, according to the Progress 8 measure, free schools are now our top-performing type of school?

Mike Kane: The hon. Gentleman cannot have been listening to my answer about the disruption to the curriculum by new testing procedures. I have academic evidence from our major universities showing how the Minister came to that resolve and showing that he is wrong.

Neil O’Brien: I gently ask the hon. Gentleman at least to acknowledge that free schools are now, according to the Progress 8 measure, the highest-performing type of school in this country.
Mike Kane: There is no evidence whatsoever for that. We know that 100 free schools have opened and shut in the past few years. We had one free school in Bermondsey that cost £1 million over two years and attracted 60 pupils. The local authority begged for it not to be opened, but it cost £60,000 per pupil while it lasted. We could have sent those pupils to Eton for half the price, although let me say to my hon. Friends that I am not advocating sending anybody there at the moment. We have 100 schools, unbrokered, containing 700,000 children. The Government cannot get anywhere near enough sponsors for the academies. They have only the Church of England in the rural areas and the Co-op, the Churches and the faith schools. The Education Policy Institute has stated that “large structural reforms, through the expansion of the academies programme and the introduction of free schools, have so far resulted in...no impact on overall attainment.” That is a damning measure, after eight years of this Government.

An economical attitude to evidence is apparent from the Government’s claim that 1.9 million children are in schools that are rated good or outstanding. Many of those schools have not been Ofsted for more than 10 years, and the claim does not take into account the fact that we now have more pupils in the system. This is a discredited statistic. The UK Statistics Authority and the independent Education Policy Institute have raised serious concerns about it. The claim does not account for increases in the school population, or for the number of pupils who are in schools that have not been inspected since before 2010. In other words, it does not give the full picture. Today, the Minister has a chance to correct the record. Are his colleagues, the Secretary of State and the Prime Minister, right to say that their policies have led to 1.9 million more children being educated in schools rated good or outstanding, or is the UK Statistics Authority right to say that they need to put that figure into context? I would be happy to give way to the Minister on this point.

Nick Gibb: I said in my speech that, in 2010, 66% of pupils were attending schools that were graded good or outstanding. Today, 84% of pupils are attending schools that are graded good or outstanding. If we multiply that out, we get the 1.9 million figure that the hon. Gentleman has cited.

Mike Kane: There we have it. That at least provides some context, but it is not what the UK Statistics Authority, the Institute for Fiscal Studies or the Education Policy Institute have said. These are made-up figures from a Government who have run out of ideas for education.

The true hindrance to improving standards is austerity. After all, every area of education—from early years, where we have seen 1,000 Sure Start programmes cut, to schools to further and higher education—has seen massive cuts since the Conservative party came to power. Our analysis of figures produced by the independent Institute for Fiscal Studies shows that school budgets are £1.7 billion lower in real terms than they were five years ago.

Neil O’Brien: The hon. Gentleman continues to refer to early years cuts, which I find extraordinary, given that spending on early years will rise to a record £6 billion by 2020 and given that we have introduced new things such as the 30 hours’ free childcare offer, tax-free childcare and the offer of free childcare for disadvantaged two-year-olds.

Mike Kane: There is a huge threat to maintained nursery schools, which we hear enough about from Government Members. The Government cut 1,000 Sure Start centres. The sure-fire way to achieve social mobility in our country is to make the best provision available for the youngest people in our society. We do not have that anymore; those Sure Start centres were cut. I will come to the impact of that on social mobility in a second.

Our analysis of the IFS figures shows a £1.7 billion cut in real terms. Government Members know it in their schools, too, because they talk to headteachers just as we do in our constituencies. To unpack that, these cuts, along with the impact of the public sector pay freeze and then the cap, have created a crisis in teacher recruitment and retention, which was not once referred to by the Minister today. The Government have subsequently missed the teacher recruitment and retention target for five successive years, and in the past two years, more teachers have left than have joined the profession.

Nick Gibb: I am grateful to the hon. Gentleman, who has been extremely generous to me and my hon. Friends. I shall try to make this the last intervention. He might have missed the statistics that came out this morning, which showed that this year we recruited 8% more people, or over 2,000 more, into teacher training than we did in the previous year.

Mike Kane: Last year, we saw the number of teachers decline by 5,000. The Minister might come up with a statistic today, but teacher numbers are going down. Since 2011, a third of all teachers have left. I spoke to Teach First just the other day in a meeting. The current rate is one in, one out. Does the Minister bear no responsibility for the reforms, the pressures and the lack of pay rises that are the reason why so many great graduates and brilliant people are no longer training the future of our country but are leaving the profession? Does he bear no responsibility at all? Five thousand have left in one year.

Despite the noble effort of staff and teachers, schools are unable to deliver the high-quality education that children deserve because they simply do not have the funding to make ends meet, for either themselves or their schools. The Government’s own analysis has shown that teachers were around £4,000 worse off in 2016, compared with 2010, as a direct result of their policies on pay. Furthermore, the IFS has found that the promised pay rise will see the majority of teachers facing another real-terms pay cut.

Earlier this year, I was shocked to read a BBC article that reported that children were filling their pockets with food from school canteens because they were hungry. This is Tory Britain, 2018. These were children
with greying skin. They were malnourished and afflicted with hunger. As a teacher, I know that schools cannot teach children properly if they are hungry in the classroom. That is happening in our country—one that now has 4.5 million children in poverty. That did not happen in a vacuum. Poverty is the grim and logical conclusion to austerity. Its effects are palpable, and its consequences can be irrevocable. If the Government truly want to see standards in education rise, they must do the logical thing and truly end austerity once and for all.

12.53 pm

Jeremy Lefroy (Stafford) (Con): I think this is the first time, and it will no doubt be the last, that I have been called to speak first in a debate after the Front Benchers. It is a great honour to do so. I thank the Minister and the shadow Minister for their speeches. Both made important points. I pay tribute to my right hon. Friend the Minister, who is a great example of the importance of sticking at a job through many years. I just wish that politics would allow highly capable people to do that in other posts, rather than being changed after six months just when they begin to get going. I pay tribute to him for all that he has done in his role over most of the last eight and a half years.

I also pay tribute to the teachers, teaching assistants, support staff and all who work in the schools, further education colleges and other educational institutions, including training providers, in my constituency of Stafford. They do a wonderful job day in, day out. That is often not recognised, and although I will not single out any particular schools in my constituency—some are outstanding and some are good—I want to say to all who work in all of them that they have my thanks and the support of my constituents.

I also want to thank governors, who do a very difficult job. I have been a governor of two different schools, one overseas and one in this country. I know how much work my colleagues on the governing body at the time put in week in, week out. I also join the shadow Minister in paying tribute to the Church of England, Catholic and other faith schools around the country, which provide a large percentage of the education in our country, particularly at primary but also at secondary level. Long may that continue.

I am not an expert in education in the slightest. However, I try to listen to educators, employers and others for whom education is so important. I want to start with a quotation—not quite word for word—from a major employer in the city of Birmingham who I happened to hear speaking at a meeting we held there a number of years ago, which I was chairing. This was a major employer, employing tens of thousands of people, who said that the quality of the young people coming into a position where they can apply for and get into jobs in a well respected company and be appreciated for that by the chief executive. Let us begin on that positive note, and I am sure that that experience is replicated throughout the country.

Let me turn to the finances of schooling. The Library says that my constituency of Stafford has seen a fall in cash terms over the four years to 2017 of just under £300 per pupil. Clearly we have seen a rise for 2018-19, and I welcome the new funding formula, which I will talk about a little, but that shows the pressure that schools have been under. We were more than £400 per pupil below both the regional west midlands average and the English average for schools in 2017-18. I fully accept that there has to be a difference in funding in certain areas that have higher needs and costs, particularly in London and other conurbations. The hon. Member for York Central (Rachael Maskell) talked about the gap in her constituency, as others have for theirs, including my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston). However, a more than £400 per pupil difference between Stafford and the highest, and the average—is too much. It is not acceptable that we have such a major discrepancy, which has been going on for decades, between the lowest-funded and not the highest-funded but the average across England.

That obviously comes at a time when costs are going up, and those costs are common to all schools, whether it is the cost of pensions, the cost of employer national insurance contributions or other costs. We have to remember that the vast majority of costs for schools and education institutions are payroll-related costs, which tend to be similar across the country. I credit the Government for recognising that and for their aim to have fairer funding for schools across the country, which I welcome, but it has to come at a time when overall resources are rising, because we do not want to be put in a position wherePeter is robbed to pay Paul; we want to be in a position where the gap narrows on a rising tide.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): What does the hon. Gentleman think about having a hard funding formula? Does he agree there could be problems in having an entirely national hard funding formula that does not allow any discretion for local authorities with slight variations in need? It would be impossible for any Government to set a national funding formula that could truly adapt to reflect every single school in our country.

Jeremy Lefroy: The hon. Lady makes a fair point. I am a pragmatist. I accept that schools in Stafford will receive less than schools in London, Birmingham or Stoke-on-Trent, but it should not be that much less. I accept that there are variations across the country that need to be taken into account, and that we cannot have an absolute hard and fast rule, but I also recognise the problems the Government face, because 650 MPs will be claiming to have special circumstances. We need to have some rules somewhere, but we also need some flexibility. Given that we all pay tax and national insurance at the same rate, certainly in England, it seems similar to the situation with healthcare. By the way, the discrepancies in healthcare are much, much greater—
my clinical commissioning group has a discrepancy of £400 per head compared with some of the highest-funded CCGs in the country, and that is on a much lower level per head than education, so the percentage discrepancy is much greater. There should not be huge discrepancies in funding for public services. There will be discrepancies, but they must be modest and moderate.

I recognise the additional pressures that teachers and schools currently face, and I want to mention areas other than finance, because it is not all about money. The pressures include, for instance, the pressure of social media both on teachers and on students and pupils in schools and colleges. Teachers are sometimes anonymously attacked through social media, and they have to put up with stuff that we in this House are perhaps used to, but that they should not have to put up with in any way, shape or form.

I am glad that some schools in my constituency have taken to banning smartphones, and I think that ban should be universal in schools. President Macron, whom the Secretary of State for Environment, Food and Rural Affairs quoted in French earlier this morning, has a very good policy in which he proposes to ban smartphones from primary and middle schools in France. I think all schools should consider such a ban.

Chris Elmore (Ogmore) (Lab): The hon. Gentleman might be aware that in recent weeks I have been leading an inquiry with the hon. Member for Hazel Grove (Mr Wragg) into social media and its impact on young people’s mental health. One of the things coming out of that inquiry is that many teachers have no training on how to use social media and on how young people interact with it. Parents and outside social groups also do not understand it. Does the hon. Member for Stafford (Jeremy Lefroy) agree there is a need for teacher training programmes, whether in Wales, Scotland, England or Northern Ireland, to focus on giving some sort of lessons in how trainee teachers can use social media for good, and how they can tackle some of the problems that social media causes in schools, too?

Jeremy Lefroy: I entirely agree with the hon. Gentleman. He is absolutely right. Some of us here could do with training in the use of social media, because some of the things that colleagues on both sides of the House—I will not mention any names—tweet or say on social media are, frankly, outrageous and do not improve the quality of debate, but that is just my personal opinion. I would like us all to be a bit more positive. If teachers want to look for training, they should not look to the House of Commons to learn how to use social media unless we improve our own standards. I would welcome the approach he suggests, and perhaps the Minister for Apprenticeships and Skills could address that in her response.

Funding for 16 to 19 education has been particularly squeezed over the past few years. My right hon. Friend the Member for Harlow (Robert Halfon), the Chair of the Select Committee on Education, said in a letter to the Chancellor of the Exchequer a couple of months ago:

“It cannot be right that a funding ‘dip’ exists for students between the ages of 16 and 18, only to rise again in higher education. Successive governments have failed to give further education the recognition it deserves for the role it plays in addressing our problem with productivity—or words to that effect. He is absolutely right.

Young people of 16 to 19 are moving into the next stage of their life, and it is vital that there is no let-up in preparing them for an incredibly challenging, demanding world. The world is full of opportunities, but people need to have the skills and the background to take up those opportunities.

Emma Hardy: I echo what the hon. Gentleman is saying, and I give him my wholehearted support. I am pleased that the Minister for Apprenticeship and Skills is now sitting on the Front Bench, because she knows how important and how desperately underfunded we feel further education to be. We had hoped for more from the recent Treasury announcement, and all I can ask is that she keep pressing the Treasury to fund our further education colleges properly.

Jeremy Lefroy: I am grateful to the hon. Lady for mentioning that. I also give credit to the Minister, because I know how much she engaged with me and other colleagues on Newcastle and Stafford Colleges Group earlier this year when we had a particular problem with apprenticeships, which has been largely solved thanks to the work of the colleges and the Department. I thank her for her support.

There was a survey of sixth-form colleges in October 2017. Emails from the Government to us Back Benchers say that surveys are rarely designed to be helpful. However, in this case, even if the survey is not entirely accurate it makes some extremely important points. For instance, 50% of colleges that responded said they had dropped courses in modern foreign languages. I pay tribute to my right hon. Friend the Minister for School Standards for what he said about foreign languages, which are vital. I was not aware of the Mandarin programme, and I will have to see how many of my local schools, if any, have taken it up. I am a passionate supporter of the teaching of modern foreign languages, especially as we move into an interesting time in the coming years.

Thirty-four per cent. of respondents had dropped courses in STEM subjects, and 67% had reduced student support services, which are incredibly important, particularly for the 16 to 19 age group, in which people are under quite a lot of pressure, not least from social media. Seventy-seven per cent. were teaching students in larger classes, and I could go on. There were clearly pressures, and I know my right hon. Friend the Minister for Apprenticeships and Skills, who has responsibility for further education, will be looking hard at that survey and no doubt engaging with the sixth-form colleges and further education colleges to see how these matters can be addressed.

I feel passionately about readiness for work and soft skills, which are vital for our country’s future and our young people’s future. I have the honour of chairing the international Parliamentary Network on the World Bank and International Monetary Fund, and I met the right hon. Member for Birmingham, Hodge Hill (Liam Byrne) a few months ago to ask him whether he would mind editing a book on the future of work, an area in which he has a lot of expertise. He did so, and we launched the book at the World Bank meetings in Indonesia at the beginning of last month and here in Parliament a couple of weeks ago.

The book’s examples from around the world, whether from Singapore, South Korea or Argentina, clearly show that everybody is facing this issue of the future
of work. There are huge changes coming up, whether through artificial intelligence or the next generation of technology, and we have to prepare our young people not necessarily for those individual skills—skills and techniques move on—but for the ability to change and to accept the need to retrain. They need flexibility in the way they think about the future. That has to start not when people have left school, college or university, but at primary school. It does not have to start too early, but perhaps in year 6 and moving on into year 7. Many schools and colleges are trying to do that work, but they need support; they need recognition for that in the curriculum. Readiness for work is vital.

Let me mention one small step we have taken in Stafford. With some friends and colleagues, I started a schools debating competition a couple of years ago, whereby schools and colleges can come to the House of Commons to compete against each other in a friendly, competitive manner. We are very pleased with the results. One thing young people have said to me is that it gives them much greater confidence to speak in public.

Sir William Cash (Stone) (Con): I commend what my hon. Friend is saying and the work he is doing, because I am his next-door neighbour, and Stafford and Stone run together in a lot of these matters. We are both fighting hard to get the best possible standards for our constituents.

Jeremy Lefroy: My hon. Friend is absolutely right about that. Clearly, some of my constituents go to schools in his constituency and vice versa. I have experience of the issues faced by rural schools, including small ones, but he has much more experience of that than I do.

Emma Hardy: Let me say what a pleasure it is hearing a debate in which I agree with what a Government Member is saying—I thank the hon. Gentleman for that. I echo what he was saying about the importance of debating, and I invite him to join my all-party group on oracy. Will he again endorse the recommendations of “Bercow: Ten Years On” for improving speech and language throughout our schools?

Jeremy Lefroy: I would be happy to do so. I cannot claim I would add much to it, but perhaps I would learn a lot from it.

I am going to conclude, because I have detained the House for long enough, but I wish to make two final points. First, as has been mentioned, out-of-school activities, whether conducted by teachers or by others, are essential. We could be talking about clubs, which have been given a hard time in the past few years, but in my constituency are now largely run by churches and other voluntary organisations. We could be talking about sports clubs—we have some excellent sports clubs in my constituency. We could be talking about outdoor activities, which I have great passion for, having run a Duke of Edinburgh’s award scheme for a number of years in London, or about young enterprise. That is just to mention a few, but they are essential. Whether they are conducted within schools or outside them, by teachers or by others who are committed to young people, we have to ensure that they are supported.

Unless young people have those opportunities—all young people, including those whose parents find it difficult to take them, and not just those whose parents want them to go—they will miss out on so much in this great country of ours. I am fortunate to live in Staffordshire, where, as my hon. Friend the Member for Stone (Sir William Cash) knows, we are within an hour or two of some of the most beautiful countryside on earth. Indeed, we live among some of it, let alone within an hour or two of it.

The final point I wish to make is a serious one about exclusions from school. There has been a sharp rise in Staffordshire and, I believe, in other parts of the country. I can understand why that happens—schools and teachers are under a lot of pressure, and if they find that young people are being disruptive for whatever reason, including pressures at home, excluding them becomes an option that, if not easy, is perhaps easier than it has been in the past. First, I do not believe it is right that schools should be put in that position, and I am not blaming the schools for it. Secondly, it is putting a great deal of pressure on pupil referral units and other places, including parents at home.

I ask the Minister to address that point. I ask her to look at the issue of exclusions nationally and ensure that when Ofsted assesses pupil referral units, it ensures that they are not judged against standards they find impossible to maintain. In Staffordshire, we have pupil referral units that are being asked to provide more and more time per pupil, and I fully agree with that, but they are being asked to do so with limited resources. That results in more antisocial behaviour. In Stafford, it has resulted in attacks on teachers, who are being put into danger. As a result, they have to take action, which means reducing the time per pupil again, then they get attacked by Ofsted by not having sufficient time per pupil. I would like the Government to look into that, because it is a very serious issue. I am not sure whether it is peculiar to Staffordshire, or whether it happens across the country—

Emma Hardy indicated assent.

Jeremy Lefroy: The hon. Lady makes it clear that it is happening elsewhere in the country.

I want to end on an optimistic and positive note. Again, I wish to thank all those involved in education across the country for all they do, day in, day out. They do it with great spirit and humour and sensitivity. They invest in the future of our young people, who are the future of this country.

1.15 pm

Vicky Foxcroft (Lewisham, Deptford) (Lab): I agreed with what the hon. Member for Stafford (Jeremy Lefroy) said about exclusions, which I will touch on more later in my speech. Some Members may know that when I speak in the Chamber, I tend to speak about youth violence and I will be doing that in this debate because education is very much at the heart of the solutions to this. There is no doubt that some of the funding cuts have proven difficult in terms of tackling youth violence. In particular, it has put pressures on those working in education. I want to focus some of my points on that.
Improving education standards is a good thing, but it is not just about improving grades or about increasing the number of young people who go to university—although, obviously, that is a good thing. It has to be about ensuring that our schools develop our young people and present them with all the opportunities and skills for the future that they so desperately need and thus reducing the likelihood that they will ever be involved in violence. Schools are at the forefront of tackling youth violence. We do lots of school intervention programmes that say, “Don’t carry a knife as you’re more likely to be stabbed”, but we know that that message is not quite working. It is not quite getting through to them, because they are still carrying knives and getting involved in youth violence. We need to make sure we give them far more positive messages and training that says, “You are the future doctors, nurses, politicians. You can be what you want to be.” We need to have that, and the fear of losing it in the future, as the reason why they are too terrified to carry a knife.

The Minister may be aware of the recent research by The BMJ showing that children under 16 are at the highest risk of being stabbed on their way home from school. That backs up what the police, youth workers and teachers have been saying to me for years. I thoroughly believe that as policy makers we have a responsibility to intervene where we can. For example, could we consider keeping our kids in school until 6 pm, staggering their leaving hours or making sure we have youth workers in schools during those times, given that we have such convincing evidence before us? I asked tons of questions on this in the past, but the Departments do not actually hold this information. Perhaps the Government should look at that seriously in order to make sure we really can analyse it.

Other measures could help keep young people safe while they are at school. Over the summer, the Youth Violence Commission published its interim report. I urge the Minister to read it if she has not had a chance to do so yet. It takes only about 30 minutes and it is written in a brief way. If she is keen to read a lot more, she can look on the website, which also has a ton of information.

One of our recommendations was to attach a dedicated police officer to every school in the country. The idea was not to police our kids in school; it was very much about building trust between police and young people. We know that there has been a breakdown in the relationship between young people and the police, but if they see a police officer in school—they might even play football with the police officer—that relationship will start to build. Hopefully, they will feel able to speak to police officers if in future they have worries or troubles. When we went to schools that had dedicated police officers who did have that relationship with young people, many of those young people wanted to go on and become police officers in future, and quite often they were from backgrounds that we would not traditionally think would mean they would want to join the police.

The Youth Violence Commission recommends a long-term aspiration to have zero exclusions from mainstream education. We cannot ignore the link between school exclusion and social exclusion: child children are permanently excluded, it is very difficult for them to move back to mainstream education. Once in a pupil referral unit, a child has a very low chance of achieving five good GCSEs. PRUs have often been called pipelines to prison, which is hardly surprising when more than half the current prison population were excluded while at school. Worryingly, exclusions are on the rise, having increased by at least 40% in the past three years. When we know that something is not working, why are we still doing it? Why do we not invest the money from the PRUs and put that into school early intervention programmes? We should speak to primary school head-teachers about who they see as the vulnerable children who could perhaps do with that wrap-around love, care and support, be it from nurses or peer role models. Why are we not investing the money at that point to provide support for our young people?

Education standards are part of the problem. The Government’s narrow focus on improving grades has led to schools quietly off-rolling students in attempts to improve their overall results. As part of their work to improve education standards, I hope that the Government consider our rising exclusions problem. In fact, is it not time that the Government entirely reviewed the merits of implementing a zero-exclusions policy across the board?

When the commission was carrying out our research, we consulted young people across the UK, and the same issues with the curriculum were raised with us consistently. Young people told us they wished that basic life skills—from how to write a CV to how to budget and how they might apply for a mortgage—were taught in school. Indeed, when we teach some of these life skills, we can also teach basic maths and literacy and other parts of the curriculum.

Many employers look for social media skills in new recruits, so that they can promote their business or reach out to new audiences, so why not start teaching social media at school? Not only could these lessons help young people to become more employable, but social media is often pointed to as the reason for violence flaring up between young people, so lessons could also focus on keeping young people safe online in a way that is relevant to the platforms they use. When I met a number of young people, some children in that conversation did not know how to hide their location on Snapchat or Facebook. One child taught another child, who had been followed and beaten up because their location had been known, how to hide it. With that knowledge, they could hide their location, which was incredibly valuable.

We need an overhaul of how careers advice is delivered in schools, ensuring that diverse role models and relevant work placements are on offer for young people. The serious shortage of diverse role models involved in careers programmes must be addressed. Young students of colour and working-class students need to see people like them in a range of different job roles. They need to know these options are available to them, too. Perhaps we could consider diversity in our history and literature syllabus. History lessons can sometimes feel like most of the people worth learning about were white, rich or male. Is it not time that the curriculum reflected the true diversity of our history?

We need more emphasis on high-quality sex and relationship classes. Primary school students should be taught what healthy and unhealthy relationships look like, to build resilience from a young age. A diverse curriculum is so important. The Government have left cash-strapped schools with no option but to cut creative
subjects from the curriculum. Art, drama and music should not be seen as nice but unnecessary. These subjects are equally important to a well-rounded education.

I think of my own background: I did not get any A to Cs when I was at school, for a multitude of reasons that I will not go into. But I then studied at college, where I did a BTEC in performing arts—some would say that is a natural thing for someone who becomes a politician, but hey-ho—and went on to do drama and business at university. My arts education did not just teach me about the creative subjects; I was taught about history, problem solving and team work, and it got me excited about learning and education.

I could go on. There is so much that I could say about how I think schools could play a greater role in tackling youth violence. But for schools to start truly playing a greater role, there needs to be much more dedicated funding. There needs to be funding for the arts and funding for school nurses and mental health support. There needs to be funding for school police officers and funding for special educational needs. The Government have claimed that austerity is over, but we are seeing no evidence of this on the ground. It will take years to reverse the impacts of the Government austerity agenda.

If we are to try to start to do something and truly look at how we can reduce violence, we must work with and listen to teachers, young people and parents, and all the different agencies that come into contact with young people. In short, we must seek to deliver a public health approach to tackling youth violence. We need joined-up working among everyone who comes into contact with young people. I welcome the announcement today of a debate on Thursday 13 December on the public health approach to tackling youth violence. I hope that the Minister and her team will come to that debate and at least listen to the contributions, if not report back on it.

1.27 pm

Neil O’Brien (Harborough) (Con): One thing we can do to improve standards in schools is to stamp out bullying. I wish to start by talking about an incident in Huddersfield involving a young Syrian refugee, Jamal, and the appalling bullying that he has suffered. Members from all parties will have been appalled by what they have seen. I was particularly appalled because it happened literally two minutes’ walk from where I grew up. I encourage the Minister, in her winding-up speech, to talk a little about that incident and about what the Government are doing to stamp out bullying. I shall come back to the point about order in schools, which is really important. When I saw the video, I was reminded of too much of the disorder that I saw in schools when I was growing up there. It is the same kids and the same problem, and it is important for the agenda of improving standards in education. The one positive thing that I can report is that since the news of this appalling incident went online, people have raised more than £100,000 for the family in a crowdfunding campaign. Some other goods things have happened, such as the Huddersfield Town goalkeeper inviting Jamal to a match. A lot of people are coming together to demonstrate that people in this country are not idiots and are actually kind to refugees and welcome them here.

Much of my speech will be about some of the things that we could change or do differently in education, and I shall start with some positive things. I wish to pay tribute to some important people in the Labour party who have driven the agenda in respect of improving school standards. I pay particular tribute to Andrew Adonis, whose magnificent book on reforming England’s education is an absolute must-read. I was reminded of that book the other day when I read a piece by an education academic slating an unnamed school in, I think, London. This school, it is rumoured online, is Mossbourne Academy, which was used by Andrew Adonis as an example par excellence of what Labour’s academies agenda had achieved. The school, Hackney Downs, had been a failure factory—a disaster area—for working-class kids for generations and it was turned into one of the highest performing schools in the country. This cowardly academic attack on the school, which is not named so the school cannot respond, is full of cod-Marxist jargon. It slates a school that has clearly turned around the lives of thousands and thousands of working-class kids and given them many more opportunities than they would otherwise have had. It was just an appalling piece for Cambridge University to have published.

Let me turn to some of the positives in the education reform agenda. The proportion of pupils in good or outstanding schools, which has already been mentioned, has increased from 66% to 86% since 2010. Good things such as the national fair funding formula have been introduced. In my Leicestershire constituency that is particularly welcome as, historically, it has been very underfunded. Total school funding is going up twice as fast as the national average over the next two years—the first two years of the formula—which is very welcome.

Mike Kane: Will the hon. Gentleman give way?

Neil O’Brien: Of course, I will give way to the hon. Gentleman, as he was so generous in giving way to me. I will always be grateful to the hon. Gentleman for opening doors for me. He did ask who I worked for, and I was pleased to say, “The people of Harborough, Oadby and Wigston.” When MPs start to look younger, perhaps it is a sign that one is becoming more mature and statesmanlike. As I said, school funding is going up in Leicestershire, and going up twice as fast as the national average, which is hugely welcome.

The early years agenda has not been neglected. We will have spent a record £6 billion by 2020, covering: the 30 hours free offer, which will be very helpful to many people, the tax-free childcare and, particularly, that extra free childcare for disadvantaged two-year-olds.

In addition to those headline reforms, there have been many other less visible, but hugely important improvements in our schools. One of them has already been mentioned. I believe that it was an important and positive reform when the Government ended the right of appeal against exclusion because that helped to
They are not excluded and pushed out of the school that the pupil has to stay in that school. It means that such as managed moves, or using equality or tenanted have zero exclusions through exploring other policies for Lewisham, Deptford (Vicky Foxcroft) said. We can have misinterpreted what my hon. Friend the Member for Stafford (Jeremy Lefroy) said earlier about artificial intelligence, the fourth industrial revolution and the changes to society. Does he not think that perhaps the subjects chosen for the EBacc were chosen on ideological grounds by the Minister, rather than, actually, on what subjects our children need to face an uncertain future?

Neil O’Brien: That was an important intervention from the hon. Lady. I do not agree that those subjects were chosen on ideological grounds. Funnily enough, when we look at the longitudinal earnings and outcomes data, those kind of hard sciences and subjects are the ones that are important gateways to the professions, which will lead to higher earnings. On her point about design and technology, if we were to look again at the subjects and include something else, that would be one of the first things that I would consider.

Luke Graham (Ochil and South Perthshire) (Con): My hon. Friend is making a comprehensive speech. He seems to be focusing a lot on England though. Obviously, this is the United Kingdom Parliament and improving educational standards is especially important in Scotland, where our international standards, particularly in maths and science, are falling. We are falling in the international tables, whereas other parts of the UK are rising. It would be interesting to hear—perhaps he will come on to this shortly—why he thinks that is and why Scotland is being left behind, while the rest of the UK is taking a step forward.

Neil O’Brien: I thank my hon. Friend for that important intervention. I was going to come on to that, but I will deal with it now. Education, and the quality of Scotland’s education system, was Scotland’s pride and joy. This is one of the important things that everyone in the country feels very strongly about. I am from Huddersfield, and all of the rest of my family are from Glasgow, so it is something that we all care about. Not having some of new Labour’s reform agenda in Scotland is one reason why school standards in Scotland have gone off the boil. The other problem, of course, is that because of the decisions on higher education funding of the Scottish National party Government—unfortunately there is no one here from the SNP to represent them—pupils from more deprived areas are now twice as likely to go to university if they are in England than if they are in Scotland. That is a radical unfairness in our country caused by the policies of the SNP Government.

Let me just finish the point about rigour. I will say something which Labour Members may agree with. We can restore rigour—we have done that and it is an important move—without having to have terminal exams. I am quite a supporter of modular exams. Young people’s mental health is an increasingly important issue. Many young people I meet in schools feel strongly about it. There is not necessarily a connection between high league tables, but in fact were not valuable qualifications. I do not think that the hon. Lady would agree with that approach.

Emma Hardy: I just wondered what the hon. Gentleman’s opinion is on the subjects that are used in the EBacc and whether he thought that it would be crucial for the Government to look again at including perhaps design and technology, considering the comments that the hon. Member for Stafford (Jeremy Lefroy) made earlier about artificial intelligence, the fourth industrial revolution and the changes to society. Does he not think that perhaps the subjects chosen for the EBacc were chosen on ideological grounds by the Minister, rather than, actually, on what subjects our children need to face an uncertain future?

Neil O’Brien: I thank the hon. Lady for clarifying that point. My concern is that the goal will quickly lead to a number of policies, some of which she has just alluded to, which bog down schools’ ability to act quickly on disorder and which gum up the works. I sense that that is something about which we disagree but I take her point.

One positive development in recent years has been the growth of low-stakes testing—things such as year 1 phonics screening, which enables us to spot problems early and nip them in the bud. That is one other reason that this country’s performance on primary school reading in the international tables is going up. We are bringing in those kinds of tests. Likewise, the proportion of pupils in the new and improved SATS who are achieving the expected standard in reading, writing and maths has gone up from 54% in 2016 to 64% now. That is a really good example of our teachers and our pupils rising to the challenge when a lot of opponents said that that would be too hard for kids to do.

Another positive development has been ending grade inflation and restoring rigour to our exams. I do not mean to make a partisan point here, but the number of pupils getting three As at A-level doubled under Labour. I do not think that anybody could credibly claim that that was all down to real improvement. There was grade inflation and a drift away from the most hard academic subjects, with the proportion of pupils doing the EBacc at GCSE falling from half in 1997 to 22% in 2010. Therefore, we had a drift away from the most difficult academic subjects and a move towards things such as the computer driving licence, which, because of comparative tables, were scoring huge numbers of points in GCSE.
standards in exams and terminal exams. I understand that there are pedagogical arguments for terminal exams, but there are also good arguments for modular ones as well.

One important reform—this is important in the context of improving teacher recruitment and teacher numbers; I am glad that there are 10,000 more teachers than there were in 2010—is to stop Ofsted being excessively overbearing. When I was the chair of governors at a London primary school, I was struck by the way in which everybody was being socialised into jumping every time Ofsted changed some tick box and we were all chasing around after Ofsted. There was a complaint from the Labour Front Bench earlier about some schools not being inspected particularly often by Ofsted. That is part of an approach that focuses on places where there are problems and does not hassle teachers unnecessarily with inspections that do not need to happen. I agree with the Government’s move towards assessing school improvement on progress, data and outcomes, rather than trying to reach into schools with occasional inspections every three years, as if that were the way to drive school improvement. The way towards school improvement is to have high-performing, multi-academy trusts; I will return to that point soon.

I disagree with Opposition Front Benchers about free schools. According to recent data, they are our highest-performing schools on the Progress 8 measure, phonics and key stage 1. One of the important things about free schools is that they allow innovation into our system, and those innovations can be quite different and from different pedagogies. For example, School 21—set up by new Labour adviser Peter Hyman—has a huge focus on oracy, which the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy) mentioned earlier. That is an interesting innovation. It is a high-performing school from one angle. Michaela Community School, set up by Katharine Birbalsingh, is also a brilliantly high-performing free school that is bringing new ideas into the education agenda, with a strong emphasis on order and discipline. This shows that we can achieve high results in different ways. Free schools have let lots of new ideas into the system that can then percolate through to other schools.

Emma Hardy: Does the hon. Gentleman agree that there should have been greater checks and a more rigorous look at who was applying for free schools in different areas and the level of need? Although he mentioned School 21, of which I am aware, there are many other free schools—as my hon. Friend for Wythenshawe and Sale East (Mike Kane) mentioned—where the money has just been wasted because the schools were not needed or wanted in the first place. Although the hon. Gentleman can point to some successes, surely he agrees that we need a much more rigorous process of assessing free schools and whether they should be built in the first place if this policy is to continue.

Neil O’Brian: I always look for points of agreement, but the hon. Gentleman is free to shout, “You were caught out”, from a sedentary position. Let me reach over the heads of the chuntering Opposition Front Benchers to say I agree with the hon. Member for Kingston upon Hull West and Hessle that we must have a good look at all proposals for different types of schools, where they are to be located, where the need is greatest and so on. However, I caution the hon. Lady against the attentions of Her Majesty’s Treasury, where I used to work, because there is always the temptation to say, “We don’t need any new schools. Experimentation is expensive, so let’s just push more people into low-performing schools and keep schools going that are not working.” She will not be surprised to learn that I do not entirely agree with her point on this.

One of the most important changes in our school system is the growth of multi-academy trusts. Some people talk about them as chains, as if schools are supermarkets or part of the market economy, but I think of them as families of schools. I am grateful and glad that Robert Smyth Academy—a school in my constituency that had some problems because of the move from three tiers to two—is now part of a brilliantly high-performing multi-academy trust and has a new, amazing and incredibly dynamic headteacher. I am confident, because of the experience of replicating success, that that school will also be a success.

We have always had miracle schools, super-heads and flashes of inspiration in the school system, but one of the new and exciting things about multi-academy trusts is that those successes are now being replicated at scale. I hope that the Government will push a sort of industrial policy for schools. Let us get behind high-performing multi-academy trusts, think about their geographic distribution around the country and help the best chains to expand in areas of the north and midlands, which are lagging behind in school outcomes.

Of course, this debate goes beyond schools. FE and sixth-form colleges have already been mentioned. If it is acceptable to the House, while we have the education cognoscenti here, I would love to pay tribute to Dr Kevin Conway, who sadly died too young—[Interruption. I am so sorry.

Mike Kane: The hon. Gentleman is making a strong and honourable point about a really good thinker in education. I hope this intervention will give him time to regroup and get back to his speech.

Neil O’Brian: I am very grateful to the hon. Gentleman; he held the door open for me earlier this week, and has done so again verbally today.

Kevin Conway was a guy who turned around Greenhead College—the college I attended—in Huddersfield, which had been rather underperforming. He was a great and totally uncompromising individual who achieved amazing things in my sixth-form college and transformed the lives of generations of people who grew up in Huddersfield.

Luke Graham: My hon. Friend is making a fantastic point about great thinkers in education. Earlier this week, I went to a YouTube event where I was able to see the rapping teacher, who is now getting about 4 million hits a week on some of his online content, which is helping students across the United Kingdom and
Internationally to make progress and improve their grade results—something that I am sure my hon. Friend would welcome.

Neil O’Brien: I am grateful to my hon. Friend for intervening in such a friendly way. The rapping teacher is clearly able to speak in whole finished paragraphs, while I am barely able to articulate a sentence.

I really just wanted to say that Kevin Conway was an inspiration to me and really did amazing things for the town of Huddersfield—the hon. Member for Huddersfield (Mr Sheerman) was briefly here a moment ago, but has had to go—through his uncompromising approach. He did not have an ideological approach; it was just an insistence on very high standards. Through that great work, he really did change the lives of a lot of people.

Let us move on from the debacle of my attempt to pay tribute to my old principal to a point of policy and boring stuff that I can talk about without wobbling up. When one visits technical colleges, one always sees the potential. I was in South Leicestershire College just the other day visiting the public services class—the wonderful young people who are going to go off and become firefighters and police officers.

The Government should look again at the whole issue of GCSE resits in FE colleges, because the move to FE and a more work-like environment—I particularly like apprenticeships, but FE is also an important part of the mix—is such an important part of the process for young people who perhaps did not get on with school. These people may have felt like it was not for them and that they were not achieving. The thought behind it was right—that everyone needs a basic grounding in English and maths—but I increasingly think that the GCSE is just not the right thing. Almost everybody who fails it a first time goes on to fail it a second time, and that is very discouraging for young people. It is not the right qualification to ask them to do. Instead, we should look at offering some kind of “maths and English” for the qualification everyone needs.

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Emma Hardy: I wholeheartedly agree with the hon. Gentleman’s point about GCSE resits. Does he agree with me about the need to look again at functional skills qualifications in FE colleges, which offer a similar level of understanding in maths and English but, as he said, are taught in a different, more vocational way that is suitable for the children attending FE?

Neil O’Brien: I am grateful to the hon. Lady, as she has managed to put the point that I was trying to make more clearly than I was able to.

Opposition Members and my hon. Friend the Member for Stafford have already touched on the issue of funding for sixth-form colleges. Clearly, there is a very odd shape of funding—there is this drop-off at sixth form. On the productivity in our schools and the bad consequences of that, I think sixth-form colleges are actually our most efficient type of school. They achieve the highest results, even though they do not benefit from the £1 billion a year internal transfer within schools as school sixth forms do. It is sort of obvious why they are so effective: instead of having an A-level class with two people in it, there are classes with 30 kids in them, like the classes in the college that I attended. If we changed funding for sixth-form colleges and that stage of education more generally, it would help to level the playing field, and I think we would see a lot more sixth-form colleges.

I have probably detained the House too long already, but if it is acceptable to you, Mr Deputy Speaker, I will mention two last things. We have already touched on the issue of smartphones and social media. There is so much potential to improve education. I know that the new Minister at the Department is passionate and is pushing the exciting things that are going on in edu-tech. But it also has the potential to disrupt and cause problems in our classrooms. I am a strong supporter of the idea already mentioned and the work that is going on in the Science and Technology Committee on the effect of smartphones and social media on young people’s mental health. I am a strong supporter of having a national campaign to limit and control the use of smartphones in class. There is an excellent London School of Economics study based on a randomised control trial that shows that there is a substantive increase in GCSE performance in schools that introduced a ban on smartphones in class. I agree with the Government that we should not have a one-size-fits-all national policy—I do not think we should do exactly what France has done—but I would love to see a national campaign to help schools to put in lockers and to adopt other policies to get smartphones out of the classroom, because they can be distracting in class and they are also sometimes distracting at home. Children arrive at school tired because they have been on a Snapchat streaks feature until 1 o’clock in the morning. There is lots of bad practice by our social media companies which are aiming to addict and to take up young people’s attention.

I think that I have covered all the things I wanted to cover in my speech. I am incredibly grateful to the various hon. Members who helped me to get through it.

1.50 pm

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): It is a pleasure to follow the hon. Member for Harborough (Neil O’Brien). I enjoyed so much of his speech, especially the passionate and kind tribute he paid to his principal. I think that everyone in the House found that extremely moving. He was clearly an inspirational man, so I thank the hon. Gentleman for that. Sadly, I do not know if we are going to continue to agree as I make the rest of my speech—but we started well.

Back in 2011, when I saw the school system that the coalition Government were creating, I remember standing at a rally and asking the question, “In this brave new world of the educational system that the Government are creating, what happens to the children no school wants?” The combination of a high-stakes accountability system and reduced school funding has created a perverse incentive for schools to off-roll and discourage certain children from attending mainstream schools. Parents of children with special educational needs and disabilities are in despair. I am quite sure that every hon. Member has had parents in their constituency surgery giving them the same story. Some parents are forced into spending thousands of pounds trying to get the resources promised them in their education, health and care plans.

As evidenced by the recent Barnardo’s report, our excluded, or off-rolled, children are vulnerable to becoming involved in criminal activity, or to being exploited or groomed. This is the true educational legacy of the
coalition Government. They wasted billions on ideologically driven pet academy projects, a school curriculum that does not meet the needs of all our children, an accountability system that has destroyed teaching careers and has no way of recognising or valuing inclusive schools, and a school system that fails too many of our most vulnerable children.

Although I am happy to stand here and talk about improving school standards, I will focus on the forgotten children and evaluate what standard of schooling they are getting. For Members who are not aware of this, let me quote the Ofsted definition of off-rolling:

“The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

I have been reading reports about this. Some of the suggested reasons for the rise in off-rolling include unintended incentives through school performance measures such as Progress 8 to remove lower-performing pupils from a school’s score and financial pressures on schools incentivising the removal of some children from the school roll. As I know from having been a teacher, it requires more resource to teach and help to develop children who are not performing as well as others than it does to teach a child who is very quick and understands things very easily.

Our Education Committee report—a cross-party report—said in its recommendations:

“An unfortunate and unintended consequence of the Government’s strong focus on school standards has led to school environments and practices that have resulted in disadvantaged children being disproportionately excluded, which includes a curriculum with a lack of focus on developing pupils’ social and economic capital. There appears to be a lack of moral accountability on the part of many schools and no incentive to, or deterrent to not, retain pupils who could be classed as difficult or challenging.”

That is, let us be honest, a diplomatic way of saying that off-rolling has been caused by the coalition Government’s changes to education since 2010.

We are talking about improving school standards, so let us look at what standard of education these children get—the ones who are kicked out of schools and not wanted. What happens to them? Research by Education Datalab published in January 2017 stated that

“outcomes for all groups of pupils who leave the roll of a mainstream school are poor, with only around 1% of children who leave to state alternative provision or a special school, and 29% of those who leave to a university technical college (UTC) or studio school, achieving five good GCSEs…there exists a previously unidentified group of nearly 20,000 children who leave the rolls of mainstream secondary schools to a range of other destinations for whom outcomes are also very poor, with only 6% recorded as achieving five good GCSEs”.

Who are the children being off-rolled? Ofsted says—it is not Labour saying this:

“Children with special educational needs, children eligible for free school meals, children looked after, and some minority ethnic groups are all more likely to leave their school.”

These children—our neediest children—are being failed by the system that this Government introduced, but there are signs of a fight-back by the profession.

I pay credit to the Association of School and College Leaders, which has recently established the Ethical Leadership Commission as the beginning of a process to articulate the ethical values that should underpin the UK’s education leaders. I call on the Government to do everything they can to support this and to look again at how the accountability measures could be changed to reward inclusive schools and heads who are genuinely trying to do the right thing.

We have looked at off-rolled children, so now let us look at improving school standards for children with special educational needs and disabilities. What happens to them? The Education Committee, on which I serve, is currently doing an enquiry into SEND, and we have heard powerful evidence from our witnesses. This is what one parent told us:

“I quickly understood the bigger picture, which was that I was dealing with a dysfunctional system of rationing in which the central criterion was which parents could push the hardest. Because I am a reasonably well-educated and well-resourced person who can read nine pages of text and spew out an approximation of them in two minutes… I could just about play the system successfully.”

Good for him, and he got the resources that his son needs, but what about all the children with special educational needs and disabilities whose parents do not know how to fight the system? What happens to them? How much support do they get? They are failed, excluded or encouraged to leave—that is what happens to them.

We cannot have a debate about improving school standards without also talking about funding, because funding matters. Only this week, the Headteachers Roundtable came to give evidence to the Education Committee. One of them, Laura McInerney, said, “Schools cannot afford to be inclusive.” She argued that restricted funding means that schools cannot afford crucial pastoral support for their children, and this is one of the main drivers behind exclusions. I do not think that schools have suddenly become crueler or teachers have suddenly become more unkind, but I know as a teacher that if I have 30 children in my class, I have problem behaviour with one or two of them and I have no resource in the rest of the school to support me with them, of course I am not going to want those children in my classroom.

We should be saying to schools, “Here are the resources to provide the pastoral support. Here are the resources to help these children deal with anger through anger management to enable them to stay in a mainstream setting.” These are the people who have gone, because when the funding cuts bite, schools cannot take away the teacher in front of the children in the classroom, so what do they do? I know that this happens in every constituency around the country—although I accept, looking at the hon. Member for Ochil and South Perthshire (Luke Graham), that I do not know as much about Scotland. Pastoral support and teaching assistants go—that is what happens.

On 6 September this year, the National Association of Head Teachers published the results of a survey on SEND funding. Only 2% of respondents said that the top-up funding they received was sufficient to meet individual education, health and care plans or statements for pupils with SEND—just 2% got enough money to support children with special needs in their schools—and 94% said they were finding it harder to resource the support required than they did two years ago.

Katie Moore, the principal of Fullbrook School in the Chancellor’s constituency, recently gave an interview, because the Chancellor had visited her school and she wanted to talk about the impact of the cuts. She said:
“He saw on his visit to Fullbrook that we are desperate for enough money to support the basics”—let alone the children with SEND—“of our students’ curriculum and the fundamentals of a good education, not just what he described as ‘little extras’. We need an increase to ongoing core funding that addresses the cost of teachers and support staff. We need to close the funding gap left by the 8% real-terms cuts over the last five years that schools in his constituency and around the country are unable to meet.”

It is impossible to discuss improving school standards without addressing the basic need for increased funding of our schools. I want to pay tribute to the brave headteachers who have taken part in the “Worth Less?” campaign for more funding for their pupils. I was involved in the demonstrations back in 2011 with other teachers against what was happening to my profession, so I know that it is unprecedented for headteachers to march on Downing Street. Two thousand of them came, and they did some very powerful things. I was waving banners and placards on blowing whistles, although part of me wishes they did. They came to simply ask the Government, “Give us enough money for our schools.”

Luke Graham: The hon. Lady says that those protests were unprecedented, but they have also been happening in Glasgow, where the pay award for teachers and headteachers is seen as insufficient. This is not a particular problem in her part of the United Kingdom, but right across it.

Emma Hardy: I would always argue for more funding for schools right across the United Kingdom, and the hon. Gentleman would have my support in arguing for that.

Let us look at what some schools that do not have the staffing resources are doing. If there is a problematic pupil in a classroom and a school does not have the resources—the pastoral support, the anger management—and the pupil I have mentioned—to deal with them, what does the school do? I am sure colleagues across the House know about the increasing use of isolation rooms for extended periods. I believe that this is partly fuelled by the need for a cheap solution to problematic behaviour. Schools do not have the resources to address the causes of the behaviour, so they treat the symptoms.

Even if we think, “Those kids deserve it. Put them in isolation—it’s good for them,” or some other macho comment that comes out from the Government every now and again, we surely cannot believe that these children are getting any kind of quality educational experience. In fact, the evidence shows that they are being given generic online resources instead of equivalent work, so while these children are in isolation, they might as well not be in school at all. They are missing weeks of learning. How will that help them? How will that improve schools standards?

I want to conclude by saying that it does not have to be this way. With adequate funding and local authority resourcing, local experts could come into schools and provide the crucial services that local authorities used to offer. I hope the hon. Member for Harborough agrees with me. All the specialists who are needed—speech therapists, social workers, educational psychologists, education welfare officers, school social workers; I could go on—could be provided at local authority level, to come into schools and support every child.

We could also look at reducing the demand for education, health and care plans by providing school-level support. I know from our Education Committee inquiry that one of the reasons parents are so desperate to get EHC plans is that they see it as a passport to accessing the funding and resourcing they need, but if we gave schools the money to start with, parents would not need to drag themselves to a tribunal and spend thousands of pounds trying to fight the system. They would have what their child needs in the school right there and then.

Fundamentally, we need to reform our accountability measures. We need to look at how we as a society can say to schools that include all children in their area, “We reward and recognise that you’re doing that, and we think it’s a good thing” because the current system does not. We should also get rid of the £6,000 notional funding for SEND and enable schools to have the money from the very beginning, rather than make them spend that first £6,000.

When I am told that education standards are improving, as I was when I sat and listened to the Minister for half an hour at the beginning of the debate, my challenge is: include all the children—add them all in. Let us look at every single one of them. How good does our system look if we include all the children who have been excluded, all the children who have been off-rolled, all the children in alternative provision and all the children who have been electively home-educated? Let us put them all in the mix—now tell me the coalition Government have done a good job.

If we want to improve education standards for all pupils, we need to break with the coalition’s ideology of the past and create and reward inclusive schools that are well-funded, well-resourced to provide the necessary support for all pupils and with the curriculum flexibility to adapt to every child’s need. We have the answer to the question I asked in 2011. The children that no school wants are rejected, marginalised, failed and left vulnerable to criminal activity. We reap what we sow, and it is time to change.

2.5 pm

Theresa Villiers (Chipping Barnet) (Con): It is a pleasure to take part in a debate on such an important issue and to follow the powerful speech made by the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy).

I would like to start by praising the hard work of teachers, governors and support staff in schools in my constituency. I am deeply grateful for the work they do. As I am sure my hon. Friend the Member for Hendon (Dr Offord) agrees, we are very lucky in the borough of Barnet to have some of the best state schools in the country. I particularly commend Totteridge Academy, which I visited recently for its democracy day. I am always hugely impressed by the students I meet in schools in my constituency, including Totteridge Academy, which had an immensely successful democracy day, engaging students in a range of activities to encourage participation in politics.

I welcome the expansion of school places in Barnet as part of the Government’s delivery of around 800,000 more school places—the biggest expansion for well over 30 years. I very much agree that providing the best education for children and young people is a huge engine of social mobility. Great educational opportunities...
are essential if we are to give young people the chance to get on in life and make a success of their lives. A good education is crucial. That means that raising standards in education and improving schools are vital parts of delivering social justice and social mobility.

It is welcome that there are now so many more children—1.9 million—studying in good or outstanding schools than eight years ago, when the Conservatives returned to office. Under the last Labour Government, England slipped down the international league tables in reading, maths and science, but that trend has been reversed, as shown by a number of international benchmarks. For example, the progress in international reading literacy study shows that pupils in England are now outperforming their peers in many countries, including Canada, Australia and the United States.

Richard Graham (Gloucester) (Con): My right hon. Friend makes a strong point. One of the impressive aspects of the improvements in education over recent years is that so many of them have been seen in areas with high levels of deprivation. The improvement of schools in London is an important illustration of that, with schools supporting children from diverse backgrounds and, in some instances, very disadvantaged backgrounds. They have been some of the really striking success stories of recent years. As he says, it is absolutely possible, indeed essential, to ensure that improvements in schools and school standards deliver for those communities.

Theresa Villiers: My hon. Friend makes a strong point. One of the impressive aspects of the improvements in education over recent years is that so many of them have been seen in areas with high levels of deprivation. The improvement of schools in London is an important illustration of that, with schools supporting children from diverse backgrounds and, in some instances, very disadvantaged backgrounds. They have been some of the really striking success stories of recent years. As he says, it is absolutely possible, indeed essential, to ensure that improvements in schools and school standards deliver for those communities.

Emma Hardy: I am sure the right hon. Lady is just about to recognise the work that was done under the previous Labour Government called the London challenge, which encouraged and supported heads working together. I agree that that led to a fundamental change and improvement in education outcomes for pupils living in London.

Theresa Villiers: There were aspects of the Labour Government’s approach to education with which I did not agree, but I agree that they did have some real success. That was at its most obvious in many of the London boroughs, so the hon. Lady makes a fair point about that project.

One of the main reasons for the improvement in school standards in recent years is the emphasis that the Conservatives have put on ensuring that children are taught to read using the most effective methods. Thanks to the hard work of teachers and the Government’s drive for phonics, the results of the phonics screening test introduced in 2012 have improved significantly. As we have already heard in today’s debate, efforts have been made to tackle grade inflation. In the Blair-Brown years, employer and university confidence in the school exam system was eroded. The reforms made by this Government and their coalition predecessor to make GCSEs and A-levels tougher and more rigorous are bearing fruit. The exams are now more stretching for students, ensuring that they have a better grounding for further study or indeed for life in the workplace. I for one particularly welcome the increased focus on good spelling and grammar, which I think are important life skills for any young person.

The striking improvement in schools over recent years means that state schools are now beginning to catch up with the independent sector, as acknowledged in evidence cited by Professor Alan Smither, director of the centre for education and employment research at the University of Buckingham. Even more importantly, the attainment gap between children from disadvantaged backgrounds and other students has closed by 10% since 2010.

It is important to highlight that an effective way of improving standards in schools is to ensure that we have the best possible early years education. Delivering high-quality early years and pre-school education can play an incredibly positive role in improving educational standards in schools, but also in delivering social mobility and opportunity. Research demonstrates that if children fall behind in the early years, many simply never catch up. Their life chances can be permanently blighted by being held back at that early stage.

I would always urge Ministers to have a strong focus on helping parents access the highest-quality affordable early years education and support. The reformed early years foundation stage profile will have an important role to play in that. I hope the Minister will update the House on progress on that initiative when she sums up the debate.

Emma Hardy: I wholeheartedly agree with the right hon. Lady about the importance of early years education, and I hope she will agree with me about the importance of maintained nursery provision and maintained nursery schools. Will she urge the Government to make sure that any reforms they introduce do not have a negative effect on what is proven to be a very successful way of helping our youngest children?

Theresa Villiers: The hon. Lady anticipates something I am going to come on to—I am going to talk about the maintained nursery sector.

Across the board in early years provision, we need to ensure that we provide the best training and professional development opportunities for people working in the sector, to increase their ability to support children’s early speech and language development. While considering the important issue of early years, I would like to look at the issues involving the maintained nursery school sector. There are a number of maintained nursery schools in my constituency, which are grouped into the Barnet Early Years Alliance. As the Minister and others in the Chamber will know, when the early years national funding formula was introduced in 2017, the Government agreed to maintain level funding for maintained nursery schools up until 2019-20, through a block of supplementary funding of about £59 million a year. However, there is currently no certainty after 2020, which leaves the maintained nursery schools sector unable to plan and budget for the future, so its status is uncertain.
As the hon. Lady has just done, I emphasise that many maintained nursery schools deliver excellent education, including those in BEYA in my constituency. It is important for the Government to ensure that they find a new sustainable role for maintained sector nursery schools as centres of excellence and training. I know that work has been undertaken on this, but we are getting to the stage when decisions need to be made about the future status of these schools. I urge the Minister to consider that, as well, in responding to my remarks. We are getting perilously close to the point at which funding for the maintained sector is due to come to an end, and we need to ensure that we have a settled future for these schools.

I turn to vocational education and training. For many decades, successive Governments have tried to improve technical education, but I think we would all acknowledge that they have had pretty mixed results. For example, the Wolf review concluded that when Labour was in power at least 350,000 young people were let down by courses that had “little or no labour market value.” I think we would all agree that delivering excellence in technical education is crucial for any modern economy to be successful, but somehow this prize seems to have eluded us in this country.

I very much hope that the T-levels programme, which this Government are pioneering, will mark a turning point. The investment in these new qualifications runs to hundreds of millions, and I welcome that. I urge the Government to do everything they can to ensure that these new qualifications become high-quality, credible and successful alternatives to the traditional academic path in education. One of the most important tasks for our education system as a whole is to ensure that we provide the opportunity for young people to take on technical education and thrive as a result.

Richard Graham: I absolutely agree with my right hon. Friend about the importance of vocational education. Does she agree with me that while we have had terrific success in driving up the number of people in our constituencies who are taking on apprenticeships, the bulk of this work is being done through further education colleges, which since 2010 have in effect had two cuts and a freeze? The recent increases to their teachers’ pay and pensions are not covered by the Treasury; they have to meet those costs themselves. Does she agree that it would be very helpful if the Minister addressed this issue, which I believe is one of underfunding in our further education colleges?

Theresa Villiers: I certainly agree with my hon. Friend that the further education sector is crucial, as we have already heard in the debate, and we need to make sure that it has the resources it needs. I am sure the Minister will have taken on board the points that he has made, and I hope she will respond to them in her concluding remarks.

My hon. Friend is right that further education colleges, working alongside employers, are playing an important role in the delivery of apprenticeships, which is another reason why it is an important sector. I will close by saying a few words about apprenticeships, because they are so crucial in giving young people the skills they need to get on in life. About 3 million have been delivered since 2010, and we need to keep up that record in the future.

There is general acknowledgment that the apprenticeship levy has had some teething problems, and I very much hope that the changes announced in the recent Budget will help to remedy them and give more young people the chance to participate in an apprenticeship. However, apprenticeships have been a real success story. They have become longer and better, and they include more off-the-job training to complement the learning that takes place in the workplace; hence the role for the further education sector that my hon. Friend has just highlighted.

Emma Hardy: Again, I agree with the right hon. Lady about the importance of apprenticeships. The Education Committee recently did an inquiry into apprenticeships, and one thing that came out of that—I would like to know her thoughts on it—was the need for greater regulation to ensure that young apprentices are not exploited or paid less than the apprenticeship minimum wage. Does she agree that although many fantastic employers are doing the right thing, there should be greater regulation to ensure that everyone who does an apprenticeship has a high-quality learning experience?

Theresa Villiers: I agree that a successful apprenticeships programme is not just about quantity; it is also about quality, and we must ensure consistency in the training that comes with an apprenticeship. I would be delighted to read the report to which the hon. Lady refers. There probably is a case for stricter regulation in that area—the Minister will also have heard that point—and we must ensure good quality control so that young people thrive as a result of apprenticeships and are not in any sense exploited.

Richard Graham: This is a very interesting point. Those of us who have had apprentices, as I have for the past seven years, know that the minimum apprenticeship wage is exactly that—a minimum—and the vast majority of people will pay significantly more. My right hon. Friend was right to mention the number of employers with which some further education colleges engage on apprenticeships. I was amazed to hear the other day that Gloucestershire College is now working with 1,112 employers. I think the Minister visited that college last year, and she will be interested to hear that it has just launched a cyber-security apprenticeship, which is a further example of innovation by that sector. Does my right hon. Friend agree that there is no limit to how many new types of apprenticeship we can continue to create where there is demand in the workplace?

Theresa Villiers: I certainly agree with that last point, and I welcome the apprenticeship in cyber-security to which my hon. Friend referred. I am a member of the Joint Committee on the National Security Strategy, and we recently published a report that highlighted big skills gaps in cyber-security, so I am pleased that Gloucestershire College is helping to fill those gaps.

My hon. Friend emphasises the role of the further education sector, but we must also recognise the great potential for the higher education and university sectors regarding apprenticeships. Middlesex University, near my constituency, is pioneering degree apprenticeships that combine the academic and technical in an innovative new form that could appeal to many young people. Apprenticeships deliver the combined benefit of broadening
opportunities for young people while also improving the skills base for our economy to make us more competitive in the global race for jobs and investment.

Emma Hardy: Will the right hon. Lady give way?

Theresa Villiers: I think I will conclude my remarks now.

A successful apprenticeships programme is vital for a thriving economy. If we are to be serious about social mobility and social justice, as I believe Members in all parts of the House are, and about ensuring that everyone can go as far as their talents and hard work will take them, and if we want to make this a country that works for everyone, the subject that we are debating is crucial. To give children in this country the best start in life we need excellent schools, great teaching, rigorous exams and the best technical education we can offer. I will be working to ensure that we achieve all those goals, and I urge the Government to do the same.

2.23 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to follow the right hon. Member for Chipping Barnet (Theresa Villiers) and to hear contributions from other Members about improving education standards across the whole United Kingdom. The Minister has responsibility only for England and Wales, but I wish to put on the record in Hansard some of the excellent education achievements from Northern Ireland. Although the Minister does not have direct responsibility for the improvements we are seeking, I still wish to put my points on the record.

It will not be a secret in this House that this is another great day on which I am proud to hail from Northern Ireland and be the Member of Parliament for Strangford. I also wish to put on the record my thanks to all the principals, teachers, care staff and kitchen staff, and all those who work in the schools and education system in my constituency and across Northern Ireland, with all its collective and different strands, including state schools, integrated schools, or the Catholic-controlled maintained schools. They are all doing an excellent job, as indeed are the faith schools.

On days like this, I am able completely to dispel the label that is often attached to those of us from Northern Ireland. Earlier the Minister referred to languages, and yesterday in the Jubilee Room near Westminster Hall, there was a modern languages event held by the Open World Research Initiative. Queen’s University Belfast was represented at that event, as were some other universities, and it is important to realise the importance of languages and how they can open up the world and provide opportunities and jobs for students.

This year, again, results in Northern Ireland outstripped those on the mainland and, with respect, in recent years students from Northern Ireland have outperformed their counterparts in England and Wales. In 2017, for instance, A* or A grades were achieved by more than three in 10—30.4%—of Northern Ireland entries. There have been big changes to A-levels in England with reduced or no coursework in some subjects, and exams alone determining results. AS-levels no longer count towards the final A-level grade in England. That is not the case in Northern Ireland, where AS-level results still count towards the final A-level grade. More than three-quarters of A-levels in Northern Ireland are taken through the Council for the Curriculum, Examinations & Assessment, and the rest of the entries are taken through a variety of English and Welsh exam boards.

Exam results this year have been excellent, and I declare an interest as one of the governors in a school in my constituency, Glastry College. Its results were excellent, as were many results across my constituency and Northern Ireland. The number of A* to C grades rose by just under 1% to 81.1%, around one in 10 entries received the top A* grade, and 85.1% of entries from girls achieved A* to C grades. The proportion of entries from boys achieving those grades was slightly lower at 76.9%. There was also a significant rise of almost 5% in the number of girls taking science, technology, engineering and maths—other Members have mentioned that point in their contributions. We were greatly encouraged by the interest shown in those STEM subjects, which now account for 43% of all GCSE entries. A total of 8.4% of entries from boys resulted in an A* grade, compared with 8% for girls. Again, that is a vast improvement and step forward.

Girls in Northern Ireland still outperform boys overall, although the gap is closing. The percentage of entries achieving A* or A grades remained unchanged from last year at 30.4%, but the overall A* to E pass rate at A-level in Northern Ireland decreased slightly to 98.2%. Those are significant figures that show that the education system in Northern Ireland has achieved much. We could, however, perhaps do more when it comes to improving educational standards, and I will outline why.

In Northern Ireland the grades are great, but it is difficult to see how long that can continue without an Education Minister in the Northern Ireland Assembly, which is not currently functioning as it should. We need someone to step up and step in. Our schools are massively struggling with budget cuts—a cut of £40,000 for a small country school means the loss of a teacher, which is the death knell for any small school. Teachers are increasingly attempting to source and buy their own resources so that their pupils have the necessary learning tools. The Northern Ireland Affairs Committee is carrying out an inquiry into education and health in Northern Ireland, because those are two of the most pertinent and important social issues at this moment. A doctor is not expected to purchase morphine, so why are teachers buying craft items out of their own pockets? That is happening is schools across Northern Ireland. It might be happening elsewhere as well—I suspect it is.

I was proud and yet annoyed that in one small local school, Carrickmannnon Primary School, the teachers and parent-teacher association bag packed on a Saturday to raise money for a new computer whiteboard that could not be sourced from the education authorities because the monies are not there. I am proud because of the school spirit that saw teachers giving up more of their free time to pack people’s bags out of a love for their school, yet annoyed that the school was in such dire straits that it had no option other than to ask the local community for help. Again, these are some of the things that are happening.

It is absurd that the school had to do that. There is a pot of funding for other purposes such as allowing children to go on cross-community school trips, yet they come back to schools with wonky chairs and...
no glue. We need someone in place at Stormont to review budgets and allocate funding appropriately. Failing that, if the Secretary of State for Northern Ireland could take some time out—I say this with respect; she is not in her place—of her propaganda tour of Northern Ireland businesses to address this issue, I would be intensely appreciative. I know with certainty that every parent in Northern Ireland would be incredibly grateful, too, if we could find ourselves with an education system that can transcend the financial cuts.

The education authority has analysed the financial position of about 1,000 schools for 2018-19. Its figures show that 446 schools are projected to be in the red in 2018. Let us be clear that that is not due to any mismanagement or frivolous spending. The Northern Ireland Audit Office has said that school budgets have been reduced by 10% in real terms over the past five years, so how can they be expected to continue to meet the budget while improving education standards? That is what this debate is about. I have boasted and bragged over our results in Northern Ireland, but I know with certainty that this cannot continue in underfunded schools—this disgrace must be addressed.

We must all acknowledge—other hon. Members have referred to this—that school is about more than grades. It is about life experience and helping children to find out what they are good at and can excel at. It is about encouraging them to do better, making their minds work creatively and initiating their abilities. It is about granting a child a love of music through free lessons that their parents could never afford to provide. It is about encouraging children to be active with after-school sports clubs by providing equipment and teaching skills. These are the things that build character and personality for the jobs they will have in the future. All that is affected by budget cuts. One of my local schools has had to stop employing its music teacher and the after-school programme due to lack of funding. I feel intensely frustrated when I see something good having to stop. Teachers are already not paid for additional work, such as replacing whiteboards and buying craft materials to make learning interesting. Now schools are being forced to put on classes that they would not otherwise be able to hold individually because of the cost. There are a lot of examples of that kind of working. I know about them personally in my constituency and I know they exist across the whole of Northern Ireland.

I believe Northern Ireland has the best education system in the whole of the United Kingdom. That will not continue without funding and a capable Minister to oversee it. Stormont may be silent, but the hon. Member for Strangford will not be silent when it comes to speaking up for our education system, whether in this House or elsewhere. We need help and we need attention, and we need it now before we lose the potential of a generation of children. They could suffer as a result of what is happening.

Northern Ireland education is not the responsibility of the Minister on the Front Bench. As a devolved matter, it is not the direct responsibility of this House. However, I ask the Minister to speak to the Secretary of State for Northern Ireland and the Education permanent secretary in Northern Ireland to save the education of my grandchildren and every other child in Northern Ireland.

2.34 pm

Dr Matthew Offord (Hendon) (Con): It is a pleasure to follow the hon. Member for Strangford (Jim Shannon).

I welcome this debate as it gives me the opportunity to comment on school standards and how, in the London Borough of Barnet, they are being affected by the number of school places and the ability of headteachers to attract qualified teachers. I am particularly pleased that my right hon. Friend the Member for Chipping Barnet (Theresa Villiers) is in her place. My hon. Friend the Member for Finchley and Golders Green (Mike Freer) has had to leave for a Whips’ meeting, but he said he would attend this debate so he could hear what was said, particularly about Barnet.

It is fundamentally a given that we need teachers to undertake the teaching in our schools, and we need places and spaces in which to teach our children. I think it is a given that we can all agree on that point. I want to focus on those two areas, which both impact directly on school standards. My constituency of Hendon lies within the London Borough of Barnet. As the education provider, Barnet Council has established its strategic vision of education:

“Resilient schools, resilient communities: we want Barnet to be the most successful place for high quality education where excellent school standards result in all children achieving their best, being safe and happy and able to progress to become successful adults.”

Usually, I do not buy into woolly mission statements, but in this case the council has got it absolutely right. It has established what that vision looks like: a shared mission to ensure that every child attends a good or outstanding school. Once again, I think everyone here can agree with that. That is a sensible and laudable ambition.

Barnet is different from some local authorities in that the attainment and progress of children in Barnet schools is within the top 10% nationally, and that the progress of the most disadvantaged and vulnerable pupils is accelerated in order to close the gap between them and their peers. Some may say that Barnet and Hendon are a rich part of London, but I would say that, economically,
it is very diverse. I have areas where people certainly live in £1 million houses. In other areas, however, the median income is very low. We therefore educate a wide range of children from different social classes. For Barnet to do that is already a great achievement.

Along with the need to focus on the attainment and progress of all pupils and deliver the strategy, there has to be sufficient provision in the borough for all children and young people. The provision needs to be of the highest quality both in terms of school buildings and teachers. The Minister was kind enough to see me on the latter point several months ago and is therefore aware that this is a significant problem in my constituency and in the constituencies of my right hon. Friend the Member for Finchley and Golders Green, my hon. Friend the Member for Chipping Barnet and my hon. Friend the Member for Finchley and Golders Green. Indeed, it is a problem across much of London, where teacher recruitment and retention is a major challenge due to high housing and living costs.

Many schools, such as Colindale primary in my constituency, which has been rated as good by Ofsted under the leadership of Lucy Rogers, rely on teachers from Commonwealth countries such as Australia, New Zealand and Canada. They invest time and money in these teachers only to lose them because they cannot reach the points required for a tier 2 visa. I also brought this point to the Minister’s attention. Schools are then either left struggling with less than a full complement of teachers or buying in services from agencies, which is very expensive. However good the teachers may be, teaching and learning inevitably become disjointed and inconsistent, and the ultimate result is a fall in standards.

The Minister said in his opening remarks that more money has been invested in schools to promote standards. This is correct, but the amount per pupil has actually declined, because of the increased number of pupils on roll. Schools in my constituency, and indeed all those in the London Borough of Barnet, face an additional issue, which is the formula that allows additional resources for so-called inner-London boroughs. This anachronistic financial mechanism ensures that Barking and Dagenham, Brent, Camden, City of London, Ealing, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Merton, Newham, Southwark, Tower Hamlets, Wandsworth and Westminster all receive a greater amount of resources, which allows their schools to make additional payments to their teachers. This ensures that teaching is more financially attractive in inner-London schools. Consequently, schools in Hendon are in direct competition with schools in neighbouring boroughs such as Camden and Brent, which are better funded and so able to pay higher salaries.

The NASUWT website advises that a newly qualified teacher at an inner-London school should receive a starting salary of £28,660, compared with £26,662 for a school in Hendon, which is a difference of £1,998. If a newly qualified teacher is offered a position at two schools, one in an inner-London borough and one in an outer-London borough, it is pretty obvious which one they will choose. I presume that the inner and outer-London designation is a legacy of the old Inner London Education Authority, but I gently suggest to the Minister that, 28 years after its wise abolition, it is time to abolish these designations. People living in one part of London pay the same costs as those in another, while all face the disproportionate cost of living in London compared with the rest of the country. Schools across London, including mine in Colindale, can have 15 or more languages spoken by pupils, so it is no longer an issue for inner-London schools only, and many of the issues that bedevilled the ILEA have now spread to outer-London boroughs.

Under this Government, the number of teachers has not kept pace with increasing pupil numbers. The number of pupils per qualified teacher has increased from 17.8 five years ago to 18.7 last year. Most worryingly, the recruitment of initial teacher trainees has been below target in each year since 2012, with wide variations across subjects. In addition, the numbers of full-time teacher vacancies and temporarily filled posts have not risen since 2011. Overall, pupil numbers are expected to continue rising, with the number of secondary school pupils projected to increase by 15% between 2018 and 2025.

That brings me to my second point: school places. Two years ago, the BBC reported on a projection of school places based on a population bulge. It showed that the primary population was 4.5 million and predicted it would rise to 4.68 million by 2020, when it would stabilise. It suggested, however, that the next big increase would be in secondary schools, where the population was projected to rise from 2.76 million pupils to 3.04 million in 2020 and then 3.33 million in 2025. This is a particular problem in the London Borough of Barnet. The previous Labour Government prioritised secondary schools through the Building Schools for the Future programme but left us in Barnet to ensure the provision of schools places under our own primary schools capital investment programme.

It was left to my hon. Friend the Member for Finchley and Golders Green and I, as leader and deputy leader of the council respectively, to resolve the issue. We did this through PSCHIP, an innovative programme whereby we released land for residential development while investing the resources raised into the schools programme. I was fortunate to end up being the cabinet member overseeing the projects, and I was proud to oversee the construction of several schools, including Fairway, Orton, Parkfield and Broadfields in Hendon, as well as receiving Beit Shvidler into the voluntary aided sector.

It is important to note that the programme has ensured that since 2009 more than 9,000 additional permanent school places have been established in the London Borough of Barnet. That is as a result of central and local government investment. Barnet is now one of London’s most populous boroughs and has ambitious plans to grow further through the regeneration of areas such as Brent Cross, Colindale and West Hendon. It is also appropriate to note that of these 9,000 places 4,751 have been introduced in the Hendon constituency. I am very proud of that and pay tribute to the work of my hon. Friend and the current council leader, Richard Cornelius, for their work.

In order to maintain standards, we must ensure that every child attends a good or outstanding school, and so must continue this work in my constituency. It may be parochial, but I am keen to acknowledge for the record the hard work done in the last decade. In four wards—Colindale, West Hendon, Burnt Oak and Hendon—investment in the schools of Colindale, Orion, Blessed Dominic, St Mary’s and St John’s, Menorah
Foundation, St Joseph’s and the Watling Park Free School is meeting current demand. That said, a shortfall is likely to emerge again this year as new housing is completed in the Colindale area. In the Hale, Mill Hill and Edgware wards, additional places have been provided at Broadfields, Beit Shvidler, Etz Chaim, Millbrook Park and the London Academy, and we hope that there is enough capacity in those schools to achieve the necessary provision for local children.

The success in the primary schools sector is now filtering through into the secondary schools. St Mary’s and St John’s in Hendon expanded provision last year, but St James’s Catholic High School and Mill Hill have had to offer a bulge class, which is not in the best interests of the schools in the longer term. It is predicted by the local authority that from next year until 2023, with no new school provision, we will be looking at a shortfall of 429 places next year, 406 the following year, 540 the year after, and 680 in 2023.

Fortunately, St James’s Catholic High School has expanded by two forms of entry and Saracens High School is due to open in Colindale, so they will alleviate some of the problems, but I make a plea to the Minister. The Government have approved Compton Free School’s application to open a new sixth-form entry in Barnet, but the Department for Education has not identified a site. On the request and advice of Mill Hill councillor Val Duschinsky, I propose that the site being vacated at the Jehovah Witness Kingdom Hall on the Ridgeway in Mill Hill be considered as suitable.

In my maiden speech, I spoke about aspiration and said that if aspirations were not raised, the local people would be on a downward trajectory. It has already been said how education provides social mobility. I certainly agree. We must ensure the best possible school provision in places such as Barnet if we are to achieve the social mobility we want to see across the country, and although the Government have made good progress, having raised the figure from 66% to 84%, we need to ensure that that work continues and that no child is left behind.

I genuinely appreciate the work of teachers and all those employed in the education sector. One of the best things about being MP for Hendon is visiting its schools, not only engaging in things such as the Schools Meal Week and Democracy Week, as I did recently, but hearing what children want to do with their lives. As a child, I never had a single good teacher—I cannot recall a single good teacher—but rather than feeling resentful, I want to ensure that the pupils and young people in my area have good teachers and schools, and good life chances.

2.46 pm

Gordon Marsden (Blackpool South) (Lab): It is a great pleasure and privilege not just to follow the hon. Member for Hendon (Dr Offord) but to praise the high standard of the speeches from Back Benchers and, indeed, from my hon. Friend the Member for Wythenshawe and Sale East (Mike Kane)—we will come to the Schools Minister shortly.

The hon. Member for Stafford (Jeremy Lefroy) gave a thoughtful speech covering a wide range of areas. He was right to talk about the pressure from social media on teachers and students, 16-to-19 funding and soft skills—I prefer to call them enabling skills, because I have found that if we talk to officials and others about soft skills, they put us down the register a bit. However, I entirely agree with everything he said, including about readiness for work, although it would have been easier for many schools if the Secretary of State for Environment, Food and Rural Affairs, when he was Education Secretary, had not scrapped the key stage 4 obligation on work experience as part of the curriculum.

I want to praise my hon. Friend the Member for Lewisham, Deptford (Vicky Foxcroft), who cannot be in her place because she has a meeting with the Children’s Commissioner, but who made a passionate speech about the importance of tackling school violence. She talked about staggering hours in schools and the involvement of the police. From my experience in Blackpool, I can say only that the more we can get the police involved with young people out of school as well as in it, the more we will be doing the right sorts of things. She, too, talked about social media pitfalls.

The hon. Member for Harborough (Neil O’Brien) rightly referred to the horrific incident in Huddersfield. He then talked about the importance of quick early interventions and I agree with him, but I do not always think that that means reaching for the test; it often means reaching for a decent teacher. I also want to praise—I am sure the whole House will agree—the poignant tribute that he paid to his principal. The hon. Member for Hendon (Dr Offord) said that he did not have a single good teacher, but I think that most of us can remember, from some stage in our life, somebody who got that spark going, so all credit to the hon. Member for Harborough for that.

My hon. Friend the Member for Kingston upon Hull West and Hessle (Emma Hardy) made a very powerful speech about the strong attachments and perverse incentives for schools to off-roll, and we heard that from others as well. She rightly raised the issue of SEN and disabilities. Incidentally, I have concerns in my constituency about the issue of off-rolling with regard to pupil referral units, as I am sure that many other hon. Members here do. She also mentioned, very importantly, pastoral support for teaching assistants.

The right hon. Member for Chipping Barnet (Theresa Villiers) talked about the importance of having opportunities for teaching language skills. She talked about the maintained nurseries sector and mentioned Middlesex University in the context of degree apprenticeships. A couple of weeks ago, I was fortunate enough to go to the Skills Show, at the same time as the Minister for Apprenticeships and Skills, and I bumped into the people from Middlesex University, who of course brought their robot to the Education Committee. We were told by one or two members of the Committee that he had made more sense than some of the other people who had come before them previously.

Richard Graham: Just to go from robots back to excluded pupils for one second, does the hon. Gentleman agree that a really feasible quick fix on this would be to ensure that, if schools exclude pupils, they should be responsible for their results at the end of the year? Does he not agree that that would result in a sharp reduction?

Gordon Marsden: I hear what the hon. Gentleman has to say, but the fact is that we know that 10,000 people are off-rolled. At this stage in the proceedings, I think that we need to bell the cat, but I take his point.
The hon. Member for Strangford (Jim Shannon) rightly drew attention to the different system in Northern Ireland, including the results in secondary school qualifications, and his concerns about small schools having to buy basic materials.

Finally, the hon. Member for Hendon talked about the diverse nature of his constituency and, very interestingly, about outer-London issues and tier 2 visas. I had the privilege of living in Golders Green for two years as a postgraduate. I am not sure whether that is in his constituency, but it is very near it, so I understand what he said about the difference between the Brent Cross and west Hendon areas, and I know, even after a long period, that those differences remain.

Educational standards are a priority across all ages and all sectors. They are not made in a day, but young people must be able to have a good start in life. That is why we need to focus on those early years, yet this Government have a hugely patchy record in that area. I am afraid that the Schools Minister did not even mention early years in his speech. My colleagues the shadow Education Secretary, my hon. Friend the Member for Ashton-under-Lyne (Angela Rayner), and my hon. Friend the Member for Batley and Spen (Tracy Brabin) have tirelessly argued against this Government’s record. Research by the Sutton Trust shows that over 1,000 Sure Start centres have been lost since 2010. More centres are operating on a part-time basis and the number of services has fallen. Parents are paying the price for that and for the Government underfunding the 30-hour offer. According to the Pre-school Learning Alliance, only around one third of childcare providers are delivering 30-hour places completely free.

On Sure Starts, in my constituency in Blackpool, where we have had huge cuts in local government funding, we have had to bear the brunt of this. I remember a Sure Start in Mereside where I met a young woman three times: the first time, she was using the Sure Start; the second time, she had graduated to being an assistant at the Sure Start; and the third time, she was training to be a primary school teacher. That sort of progression has been lost in the hollowing out of Sure Starts by the Government.

Emma Hardy: Will my hon. Friend give way?

Gordon Marsden: No, I will not, I am afraid, because I am very short of time. If standards are rising for the people must be able to have a good start in life. That is why we need to focus on those early years, yet this Government have a hugely patchy record in that area. I am afraid that the Schools Minister did not even mention early years in his speech. My colleagues the shadow Education Secretary, my hon. Friend the Member for Ashton-under-Lyne (Angela Rayner), and my hon. Friend the Member for Batley and Spen (Tracy Brabin) have tirelessly argued against this Government’s record. Research by the Sutton Trust shows that over 1,000 Sure Start centres have been lost since 2010. More centres are operating on a part-time basis and the number of services has fallen. Parents are paying the price for that and for the Government underfunding the 30-hour offer. According to the Pre-school Learning Alliance, only around one third of childcare providers are delivering 30-hour places completely free.

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Emma Hardy: Will my hon. Friend give way?

Gordon Marsden: No, I will not, I am afraid, because I am very short of time. If standards are rising for the cohorts that the Government have talked about, some of that is significantly down to the achievement of the Labour Government before 2010, not to a succession of post-2010 Tory-led Governments that have savaged Sure Starts, while undermining their funding and purpose at every turn. They have done the same with further education colleges.

The financial position of the colleges over the past 10 years, as the Association of Colleges tells us, is that they have had to deal with an average funding cut of 30%, while costs have increased dramatically. Funding for students aged 16 to 18 has been cut by 8% in real terms since 2010. It is entirely right that the chief inspector of Ofsted, writing to the Public Accounts Committee, said the other week:

“My strong view is that the government should use the forthcoming spending review to increase the base rate for 16 to 18 funding.”

Cash has led directly to falling standards in FE.

As we know, the position is similar in other areas. Funding for sixth-form colleges, for example, was subject to deep cuts in 2011 and 2013, and the national funding rate for 16 to 17-year-olds remains frozen at £4,000. I have seen these problems in my own area. The fantastic Blackpool Sixth Form College, which has done brilliant work in the 20-odd years for which I have been the local MP, has also felt the chill wind of the Government’s deliberate policies on austerity. It has had to cut Business and Technology Education Council courses, and wonders, rather sceptically, about T-levels. At the same time, however, it has managed to maintain variety, and outstanding classical civilisation courses are delivered by an outstanding teacher, Peter Wright.

The same applies to higher education. Universities UK says in a briefing that it sent to me for this debate that it estimates from the media reports of the Government’s review that the cut in tuition fees would lead, without replacement, to “significant cuts in universities”. However, this is not just about cuts, but about the other moves that are being suggested. There are concerns about varying fee levels. The Chancellor seems keen to introduce STEM fees, which increase the disincentive for many disadvantaged students, ignoring the fact that many arts and humanities degrees, especially the creative ones, are expensive because of the techniques and equipment required.

The Government have been very negligent in relation to English as a second language, which has not been mentioned much this afternoon. We need ESOL because there are established black and minority ethnic communities in the UK who need it, EU citizens who have come here and who need it and refugees who need it. The Government have talked the talk, but they have not walked the walk. They have not put the funds behind the Casey review, and that is one of the biggest issues that we have.

While all this is going on, we are waiting for details of the Government’s shared prosperity fund, which is supposed to come to the rescue of further and adult education, among other services, following the withdrawal of funds from the European social fund and the European regional development fund. However, there is no sign of it. All that we have are two sentences, one in the Conservative party manifesto and the other in a Tory party conference speech.

Let me touch briefly on adult education, about which I feel very strongly because I taught as a part-time course tutor for the Open University for 20 years. There has been a huge decline in the number of adults accessing education over the past decade and in the number of adults aged 21 and over can access higher education. That is affecting the Open University, Birkbeck and the Workers Educational Association, and, sadly, many higher education institutions have closed, including the National Institute of Adult Continuing Education. Yet we know that we will need the skills of older people—and, indeed, their life chances—post-Brexit, given the economic challenges and the fourth industrial revolution.

These warnings are not new—they featured in Sandy Leach’s review in 2008—but they have been made all the more urgent by the Government’s abject failure to help existing workforces to upskill and retrain. The situation demands money, a strategy and a longitudinal vision comparable to that of David Blunkett’s “The Learning Age”. For all their rhetoric and modest initiatives,
the Government do not have any of that. We are thinking towards the 2030s with our planned national education service.

I have said on a number of occasions that the worlds of higher and further education—with online and digital lifelong learning, which requires more enabling skills as well as rapidly acquired ones—are converging faster than people in Whitehall expect. That is why we will establish a lifelong learning commission to meet those challenges. That new world will come, but the crucial question is this: will we in the UK be leaders in that process, or the mere recipients of technologies and systems evolved in north America or south-east Asia? We owe it to all our generations, from seven to 70, to rise to that challenge, but unfortunately the Government are not doing that at the moment.

2.59 pm

The Minister for Apprenticeships and Skills (Anne Milton):

I, too, want to pay tribute to some of the speakers in this debate. I must mention the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy), because she is so passionate about this subject that she could have had the whole debate to herself. I also thank my right hon. Friend the Minister for School Standards for opening the debate and setting out all the things we are doing to improve education in schools. I completely reject what the Opposition said. While the Schools Minister and I have different responsibilities in education, we have a shared aim to improve quality and have high standards. I pay tribute to all those who contributed to the debate, and it is clear that everybody has a passion for education and a desire for this county to set high standards of education at every level and to keep on raising those standards.

Let me reiterate some of the improvements that have been. The phonics screening check has increased since its introduction from 58% success in 2012 to 82% in 2018; that is a 24% improvement. Between 2016 and 2018 the proportion of pupils reaching the expected standards has risen from 66% to 75% in reading tests and from 70% to 76% in maths. Opposition Members do not like hearing this stuff. Critically, the gap between disadvantaged pupils and others in secondary schools narrowed by 10% between 2011 and 2017.

My right hon. Friend the Member for Harborough (Neil O’Brien) mentioned the need for good behaviour and order in schools, and King’s College shows what can be done when schools put their mind to that.

I praise my right hon. Friend the Schools Minister for the work he has done, and I say to those on the Opposition Front Bench that no one is better read in teaching methods. Against considerable opposition, he has driven ahead, because he, like me, knows that young people and children deserve nothing less.

I am fully aware of the funding pressures in FE. Opposition Members mentioned austerity as if it just dropped on us from the sky; it came upon us as a result of the financial crisis, and Conservative Members do not want our children and grandchildren to be burdened with paying back the debt that Opposition Members would rack up.

The results in FE are very good. Some 82% of colleges are outstanding or good, and the proportion of good or outstanding general colleges has increased from 69% to 76% over the last year, while 83% of sixth-form colleges and 80% of independent learning providers are outstanding or good. Of learners who completed FE courses in 2014-15, 58% got jobs and 22% went into further learning. Some 90% of 16 to 19-year-olds completing level 3 courses at sixth-form colleges and 86% completing level 3 courses at other FE colleges went on to further learning or sustained employment.

The figures are good, but I know that there are significant funding pressures in the FE sector. My hon. Friend the Member for Gloucester (Richard Graham) raised that point, and he, like me, will continue to raise the critical role that FE plays in improving social mobility, giving younger people a chance and older people a second or even third chance. FE plays a critical role in productivity and improving social mobility, and I am sure hon. Members will not hesitate to highlight that to the Chancellor.

I want to mention two things that are behind many of the reforms we have made in apprenticeships and technical education. The Richard review in 2012 said that apprenticeships should be redefined, that the focus should be on their outcome, that they should recognise industry standards and that it should be clearly set out what apprentices should know. It also stated that apprenticeships should be meaningful and relevant for employers, that apprentices should have achieved a level 2 or 3 in English and maths before they can complete their apprenticeship, be it in functional skills or at GCSE, and that some off-site learning was essential, with a minimum duration of a year. We have ensured all those things.

Apprenticeships are available to all, at every level from level 2 to level 7, with 20% of the learning off the job and a meaningful assessment at the end, which gives apprentices a currency that they can take to future employers. It is critical that we get them right. In fact, there is a tsunami of apprenticeships coming. I recently visited an NHS trust that is now spending 20% of its levy, and it will be spending its levy out by 2020. That is the way we can get the skills this country needs and give young people—and, indeed, older people—the opportunities they need.

I also want to mention the Wolf review, which made a number of findings and conclusions regarding vocational and technical education. Those findings have largely guided many of the reforms, along with the work that Lord Sainsbury has done. It is vital that we take this once-in-a-lifetime opportunity to get technical education right. The introduction of T-levels will be critical to ensuring that we have technical qualifications that are on a par with academic qualifications. I have mentioned the contribution of Lord Sainsbury, which, along with the work of the Gatsby Foundation, has guided much of our work on the forthcoming T-levels. As I said, this is a once-in-a-lifetime opportunity for change.
I want to mention a number of the contributions that have been made today. My hon. Friend the Member for Stafford (Jeremy Lefroy) never misses an opportunity to praise those working in the public sector. He mentioned exclusions, and I know that a review is being led by Edward Timpson, who spent a long time as a Minister in the Department for Education. That review will be reporting in the new year. The hon. Member for Kingston upon Hull West and Hessle made many contributions, and I know that she will use every opportunity to raise the issue of further education funding. Her college has been through a difficult time, but it has had considerable financial support. The bit that frequently gets missed is the £330 million that we spend on supporting the FE sector. There is more to come down the line, and that funding is critical to getting colleges such as hers back on track.

My hon. Friend the Member for Harborough raised a terrible incident of bullying in his constituency. Hearing about it today bears no relation to how terrible the impact is when we watch it online. Relationships and sex education and personal, social, health and economic education have a role to play, and he also mentioned the role of behaviour in schools in young people’s lives. That is indeed critical, as are many other issues.

My hon. Friend was appropriately moved by those who have turned their lives around —who have had that second, third or fourth chance and have got an apprenticeship and some qualifications so that they can start a life that they never would have thought possible when they left school.

The hon. Member for Hull West and Hessle also paid considerable attention to off-rolling, and I know that she will use every opportunity to raise the issue of further education funding. Her college has been through a difficult time, but it has had considerable financial support. The bit that frequently gets missed is the £330 million that we spend on supporting the FE sector. There is more to come down the line, and that funding is critical to getting colleges such as hers back on track.

The hon. Member for Kingston upon Hull West and Hessle also paid considerable attention to off-rolling, and I know that my right hon. Friend the Minister for Schools would be happy to meet him again, but he is right that social mobility is at the heart of why we need good-quality education.

I do not blame the current Opposition Front Benchers—they possibly were not involved at the time, and I am much older than many of them—but I do blame the Labour party of all those decades ago for how we saw children’s education sacrificed to pursue political ideology. I remember—[Interruption.] Opposition Members say it is nonsense. I remember the Inner London Education Authority, which banned punctuation, banned grammar, banned capital letters and refused to let the police into schools. All of us on the Conservative Benches involved in education—I also give considerable praise to our officials in the Department—want to make sure that, wherever someone comes from and whoever they know, everybody gets the chance to get on in life that they deserve. We will never cease in our mission to make changes, refine what we are doing and take on political rhetoric and ideology to make sure that young people get the education that they deserve.

Question put and agreed to. Resolved.

That this House has considered improving education standards.

PETITION

College Funding

3.13 pm

Dr Julian Lewis (New Forest East) (Con): With impeccable timing, I trust you will agree, Mr Deputy Speaker, after a debate like that, I rise to present a petition organised and promoted by Charlotte Jones and Laura Whitcher of Brockenhurst College in my constituency, an outstanding further education college, on the funding differential that has developed between schools and FE colleges. Instead of the usual few introductory remarks, I simply place on the record a quotation from Amanda Spielman, Ofsted’s chief inspector, who wrote to the Chairman of the Public Accounts Committee recently saying:

“While it is true to say that spending per pupil in primary and secondary schools has increased significantly in real terms since the early 1990s, the same is not true for further education and skills (FES) spending. I have expressed my concerns before, based
on our inspection evidence, that the real-term cuts to FES funding are affecting the sustainability and quality of FES provision. My strong view is that the government should use the forthcoming spending review to increase the base rate for 16 to 18 funding.”

The petition states:

The petition of the students at Brockenhurst College in the New Forest East constituency,

Declares that college funding must be urgently increased to sustainable levels, including immediate parity with recently announced increases to school funding, which will give all students a fair chance, give college staff fair pay and provide the high quality skills the country needs post-Brexit; further that funding for colleges has been cut almost by 30% in the last 10 years causing a significant reduction in the resources available for teaching and support of sixth formers in schools and colleges; potentially restricted course choice; fewer adults in learning; pressures on staff pay and workload; and further that an online Parliamentary petition on this matter received 40,000 signatures in its first week and now stands at 58,000.

The petitioners therefore request that the House of Commons urges the Department of Education, together with her Majesty's Treasury to increase at the earliest opportunity funding for colleges to fair and sustainable levels.

And the petitioners remain, etc.

HIV and World AIDS Day

Motion made, and Question proposed, That this House do now adjourn.—(Jeremy Quin.)

3.16 pm

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op):

On 1 December 1988, we observed the first World AIDS Day. It was created as an international day to raise awareness of the AIDS pandemic caused by the spread of HIV and to mourn those who had died from the disease. In two days’ time, we mark its 30th anniversary, and this event gives us pause to reflect on how far we have come and to remember those we have lost.

Such events are also deeply personal to me, because next year I will be marking an anniversary of my own—10 years since I became HIV-positive. It has been a long journey from the fear of acceptance to today and, hopefully, advocacy, knowing that my treatment keeps me healthy and protects any partner that I may have.

When you are first diagnosed, you get that call from the clinic and they just say, “You need to come in.” They do not tell you the details, and you know immediately that something is wrong. All the different worst-case scenarios flash through your mind, and of course, being a sexually active young man, HIV is one of them.

Going in, you kind of know that something is wrong and it might well be serious, but at the same time you are working out all the ways that this is just some joke, some technical error, some tiny thing they are going to tell you that you will be laughing about later. You try to imagine the ways you are going to get out of this, and then in that NHS room, with those cream carpets and the plastic seating we all know, they tell you, and it hits you like a wall. Although you have prepared yourself for it in your mind, nothing quite prepares you for when they say those words. I remember looking up at that ceiling—those false ceilings you get—and wishing that one of the tiles would rip a way and it would suck me up, and that I would wake up and it would all be a dream and all be over.

But, of course, the reality is that that is not what happens. Instead, you walk out of that room and, even with all the greatest support and advice that they offer, you feel totally numb. You have a million things running through your mind and, at the same time, a sense of absolute nothingness.

I have decided to make this announcement and speech today, because earlier this year I was at an awards ceremony in Brighton. I had nominated Gary Pargeter, who for a number of years has been running a local club for people living with HIV called Lunch Positive. He had won the award and people were coming up to talk about how important the project was and how brave he had been to talk about his HIV status, and I felt like, “I am watching someone who has done inspiring work, and I am proud to have nominated him, but I have not told anyone else in this room that I am HIV positive, too.” Just like so many who attend Lunch Positive, I am lucky because the medication means I will not get sick and I cannot transmit HIV. I felt that if Gary and so many others can talk openly about it, then so should I.

The second reason I wanted to have this debate today is because we are genuinely on the cusp of eradicating new HIV transmissions in this country. Figures today
show that we are already, in parts of this country, halting the rates of HIV diagnosis, but we are at a fork in the road and I worry that we might be starting to head in the wrong direction, with £700 million of cuts to public health having been made between 2014 and 2017. We are not investing in the universal roll-out of PrEP—Pre-exposure prophylaxis—the pill that prevents HIV. So it is important for me politically to speak out.

Finally, I wanted to be able to stand here in this place and say to those who are living with HIV that their status does not define them and we can be whoever we want to be, and to say to those who have not been tested, perhaps out of fear, that it is better to live in knowledge than to die in fear. HIV in this country is no longer the death sentence it once was. A recent study led by the University of Bristol found that due to the advances in HIV treatment, people living with HIV can expect to live a near normal life. The improvement in survival rates for people with HIV is one of the greatest success stories of recent times. What was once considered a terminal disease is now seen as a manageable condition. Yet this information has not changed the narrative, which is still, sadly, framed in those scare campaigns of the 1980s. So much of LGBT culture also is marked by this spectre of HIV, which has led to an incredible sense of fear about the disease.

In that hospital room, and in the days and weeks that followed, I had to come to terms with that fear myself. I am a HIV-positive man, but because I have been taking the right medication for several years I am what the NHS calls “HIV-positive undetectable”. That means not only can HIV not be detected in my system and so I do not get sick, but I cannot transmit HIV to someone else. As the virus lie undetectable and dormant in my body, my medication ensures that the virus does not reactivate, does not progress and cannot be passed on. That is why the NHS says “undetectable equals untransmittable”. UNAIDS highlights three large studies conducted between 2007 and 2016 of HIV transmissions among thousands of couples where one partner was positive and the other was negative. In those studies there was not a single case of sexual transmission of HIV from a positive undetectable person to a HIV-negative partner. It is safer to have sex with someone who is HIV-positive undetectable than with someone who does not know their status, because undetectable equals untransmittable.

Understanding that I was unable to transmit HIV sexually has been life-changing, too. I went from thinking that I would never have a HIV-negative partner, or that if I had sex with someone, I could pass this on, to knowing that I can live a normal life and that any partner I have is protected. I cannot transmit HIV to someone else. As the virus lie undetectable and dormant in my body, my medication ensures that the virus does not reactivate, does not progress and cannot be passed on. That is why the NHS says “undetectable equals untransmittable”. UNAIDS highlights three large studies conducted between 2007 and 2016 of HIV transmissions among thousands of couples where one partner was positive and the other was negative. In those studies there was not a single case of sexual transmission of HIV from a positive undetectable person to a HIV-negative partner. It is safer to have sex with someone who is HIV-positive undetectable than with someone who does not know their status, because undetectable equals untransmittable.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): My hon. Friend is being immensely courageous in what he is doing today. I, for one, am sure that his bravery will reduce the stigma and the fear of so many living in our country and beyond.

Lloyd Russell-Moyle: I thank my hon. Friend for that. He is right to say that my name will help those people, and it might appear in tomorrow’s newspapers as a result of my being the first MP to declare themselves HIV-positive in this Chamber and the second, after only Chris Smith, to openly live with HIV as an MP.

Karen Lee (Lincoln) (Lab): I just want to say what a typical gesture of my hon. Friend this is and how proud of him we all are.

Lloyd Russell-Moyle: Perhaps foolishly, to gauge what the public reaction might be like, I went on social media to read some of the comments on recent HIV news stories. One does not have to scroll down far to find comments like:

“Anyone with HIV who has sex should be tried for murder”,
or
“fags getting what they deserve”,
or “disgusting lifestyle choice”. Now, most of the people behind such comments will be homophobes who are weaponising HIV to attack LGBT people. If it was not HIV, they would find something else, because they are haters and they are not pleasant people.

But HIV stigma is not just a symptom of homophobes. Even the most well-meaning people can perpetuate HIV stigma. It takes many shapes. It can be believing that HIV and AIDS are always associated with a death sentence. It can be thinking that HIV is transmitted only through sex. It is thinking that HIV infections are the result of some personal or moral fault. It can be believing inaccurate information about how HIV is transmitted, which in turn creates irrational behaviour and misconceptions about personal risk.

Before I was diagnosed, I myself perpetuated some of those stigmas, so it is not without judgment that I ask people to reflect; it is a genuine ask that we begin to think, talk and act differently when it comes to HIV. That is even harder when there is a taboo about talking about sex, which means that stigma is often compounded, thereby creating a more risky environment because people do not seek the treatment that they need.

The Sussex Beacon in my constituency is one of only two residential care facilities in the country for people living with HIV. It originally started as a hospice in the 1990s, when three to four people died there each week. Fortunately, end-of-life care is now a rare occurrence at the Beacon, and today most of its support services are utilised by people with HIV from marginalised groups who face a big stigma. Older people diagnosed late, women, black and ethnic minorities—all these groups are disproportionately affected by stigma and rely on the good work of the Sussex Beacon and other charities like it. But their funding is being reduced.

Yesterday, I was lucky enough to get a photo with Stiggy the Stigmasaurus at the Martin Fisher Foundation, as part of the foundation’s campaign to make HIV stigma history. I hope that Members who could not be there yesterday will be able to join me in that pledge going forward. Stigma causes a treatable disease to become life-threatening, because of the impact on an individual’s mental health and their access to medication.

No person diagnosed with HIV today should feel any less able than anyone else to thrive and enjoy life because of their status.

Stigma is not just a UK problem; it is a global one. Fifteen years ago, 200,000 people around the world were receiving treatment for HIV. Today, the number is 22 million, but we still have 15 million more who need access to regular medicine.
Jim Shannon (Strangford) (DUP): First, may I thank the hon. Gentleman for bringing his personal story to the House today? I mean that very much. I also wish him continued good health and that he continues to prosper, as he quite clearly is doing.

I mentioned to him before the debate that I wanted to intervene, and I wish to bring to his attention the Elim church in my constituency. The church has an HIV programme in Swaziland, which has the highest levels of HIV in the world. Every year, the children from a choir group come over. Every one of them is HIV-positive, but every one of them is surviving today because of the medication that is available. If the medication is there, we can do lots of things, save lives and give opportunity. Among many churches and individuals around the world, there is a lot of good will to help.

Lloyd Russell-Moyle: That is quite right.

We are making progress on treatment, but when it comes to stigma we still have so much further to go. Last week, I was in Kenya with the International Development Committee and met a HIV-positive mother of eight children from the Democratic Republic of the Congo. Although she was on medication, she had suffered such abuse that she was forced to flee the DRC and now lives in a refugee camp. Because of the prejudice and violence that she faced as a result of her status, she was forced to leave without her children, and she knows not of their future.

Jeremy Corbyn (Islington North) (Lab): I thank my hon. Friend for giving way. He is making an absolutely brilliant and historic speech. I am very grateful that he mentioned my good friend, Chris Smith, who very bravely told the world in 1984 that he was gay and publicly came out. He is making an absolutely important point. Among many churches and individuals around the world, there is a lot of good will to help.

Lloyd Russell-Moyle: That is quite right.

We are making progress on treatment, but when it comes to stigma we still have so much further to go. Last week, I was in Kenya with the International Development Committee and met a HIV-positive mother of eight children from the Democratic Republic of the Congo. Although she was on medication, she had suffered such abuse that she was forced to flee the DRC and now lives in a refugee camp. Because of the prejudice and violence that she faced as a result of her status, she was forced to leave without her children, and she knows not of their future.

Turning back to the UK, it is the case not just that HIV is treatable, but that it is preventable with one tablet a day. A person can prevent themselves from contracting HIV with pre-exposure prophylaxis. PrEP is revolutionising the fight against HIV transmissions. It has an almost 100% success rate, a higher rate than condoms, in the prevention of HIV, and it is just one pill. We expect this pill to be soon available as a generic drug and, according to the NHS’s own analysis, it could save the health service £1 billion in preventing HIV transmissions for future generations. Astoundingly, however, the only way to access PrEP in England is through a limited trial. This is not a medical trial—those have been done and approved. This is not about financing—we know the cost. This trial, as far as I can see, is about delaying the roll-out of PrEP in England because someone meddling in the Ministry thinks that they know better than doctors when it comes to people’s health. It seems to me that this trial is more concerned about what a person does between the sheets than the health of the nation. Despite being just one year into this three-year trial, 3,000 additional places have already had to be added, and it looks like the 13,000 places will run out early next year. England now lags behind all the other nations in the UK as the only country with capped PrEP access on the NHS. There are two years to go until this trial ends, yet people cannot get immediate access to PrEP, with many clinics now having long waiting lists, and some completely full.

We know that there are cases of young men who have sought out this prevention pill and have been turned away because the clinics cannot accommodate them, and they have subsequently become HIV-positive. These men now have to live with HIV and everything associated with it because of the misguided morality of this decision. Let us make no mistake: these are not isolated cases. The longer this Government wait to roll out PrEP properly, the more people will be diagnosed.

Will the Minister intervene to ensure that PrEP is made routinely available on the NHS in England—just like his Government have already done with Northern Ireland with direct rule, just like the Scottish Government have done, and just like a Labour Government have done in Wales? Failing that, will he at least uncap the trial to ensure that those trying to access the drug can do so? Will he reverse public health cuts, including those in sexual health, so that the Government meet demand, including that of people affected by HIV, otherwise we seriously risk undoing the really good progress that we have all made?

Just today, the latest Public Health England statistics show that the UK has met its UN AIDS target of 90-90-90, ahead of 2020, which was the date. This is amazing progress, with 92% of people living with HIV diagnosed, 98% on treatment and 97% with undetectable viral load, meaning that they cannot pass it on.

At the Terrence Higgins Trust World AIDS Day reception earlier this week, I am told that the Minister hinted that the Government were considering bolstering their ambition on HIV to committing to reaching zero new HIV transmissions by 2030. In the light of today’s statistics, now is the time to seize that opportunity of reaching zero new HIV infections and be a true global leader. Can the Minister provide details of how the UK Government plan to end HIV infections and what timescale they will commit to?

At present, one young person every day is still diagnosed with HIV and young people continue to suffer some of the worst sexual health outcomes. We cannot be complicit on this. Will the Minister agree to work with the Department for Education to ensure that relationship and sex education guidance has a strong focus on not only HIV prevention, but anti-HIV stigma? Will the Minister also liaise with Department for International Development colleagues
to ensure that research funding is increased so that we can make huge gains in scientific breakthroughs to eradicate this disease globally?

In two days’ time, on World AIDS Day, I will stand with my community to mourn the losses of those who have died of AIDS. I will do so at the Brighton AIDS memorial—the only such dedicated public memorial in the country. I will stand there in the knowledge that I will live a life that so many could not. I am able to do that because of the people who have come before me: the people who have fought and lost their lives, and the people who stood up and had their lives changed. We owe it to these people to beat the disease—something we have the power to do. I hope that future generations will look at HIV in the same way that we look at smallpox and polio, as diseases that were once killers but can now be eradicated.

LGBT people often talk about coming out as something that you constantly have to do to new neighbours, friends and work colleagues. You could say the same about your HIV status. I have spent many nervous moments deciding whether to tell new friends and acquaintances about my status. The lump forms in your throat and your heart flutters, and you finally kind of blurt it out and hopefully move on. Well, Mr Deputy Speaker, I would like to thank you for giving me this platform to do just that. I thank my friends, family and colleagues for supporting me. I also thank the Terrence Higgins Trust for all its work and the support it has given me in preparing for this debate.

We have the ability to end new HIV transmissions, as well as to end stigma and discrimination—not only here, but globally. I hope we can all make that our mission. [Applause]

Mr Deputy Speaker (Sir Lindsay Hoyle): We should not clap in the House, but I understand why people do so. [Laughter]

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): As chair of the all-party group on HIV and AIDS, may I first offer a whole hearted tribute to the bravery, courage and example of my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle)? He has not only shared with us his own very personal experiences in such a clear and honest way that will have an impact in this country and globally; he has also—I would expect nothing less from him—not shied away from the fact that HIV is political. He has mentioned many of the issues still faced by those living with HIV in this country and around the globe, including stigma, discrimination and a lack of access to services. If any message goes out from here today, it should be that we need to continue the fight and end this by 2030, and we can end it. After the example that my hon. Friend has shown today, I am all the more confident that we will do so.

I also pay tribute to my hon. Friend on behalf of other vice-chairs who wanted to be here but could not—Baroness Bakewell, Lord Black, and my hon. Friend the Member for Stockton South (Dr Williams)—and who are incredibly proud of what he has done today.

As my hon. Friend said, the situation has dramatically transformed since the first World Aids Day 30 years ago. I remember coming to these issues while working in the international development sector for World Vision, Oxfam and others, and I look back at some of the horrific statistics, particularly on young people orphaned or made vulnerable, on those living with HIV and on those dying from AIDS. We saw this as an unreachable mountain that could not be overcome. The progress that has been made over the past 15 years is remarkable, but we must not have a slipping back in that progress.

Patrick Grady (Glasgow North) (SNP): I would like to express, on my own behalf and that of my SNP colleagues who cannot be here, our commendation for the incredibly powerful and moving testimony that the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) has given. The hon. Member for Cardiff South and Penarth (Stephen Doughty) is absolutely correct that that speech will be heard not just here, and not just across this country, but around the world. It provides an opportunity to tackle the stigma that is still associated with HIV in so many parts of the world and that prevents people seeking the treatment, or even the diagnosis, that they need, despite all the opportunities and all the funding that is provided. There has to be a change of mindset as well. So we are thoroughly behind what we are hearing today.

Stephen Doughty: I thank the hon. Gentleman for his intervention and completely agree with what he has said.

As my hon. Friend said, access to antiretroviral treatments has revolutionised both treatment and prevention. That has enabled many HIV-positive people to achieve viral suppression where the level of HIV in the blood is so low that it is undetectable and, crucially—we have to emphasise this—transmittable to others. U=U—undetectable equals untransmittable—is one of the messages that must ring loud and clear from his speech and from this House. It has transformed the medical understanding of HIV from a fatal and emergency disease to one that is chronic and manageable, and where people can live long, happy, healthy lives.

But we must recognise the challenges that exist, particularly internationally; among the world’s 36.9 million people living with HIV. That is still a huge figure. One in four remain unaware of their HIV status. Among those who have tested HIV-positive, 21% globally do not have access to treatment and, of those who have access to antiretroviral treatment, 19% have not yet achieved viral suppression.

I want to turn briefly to some of the key challenges that we face in the UK, which my hon. Friend laid out. Forty-one per cent. of people are still diagnosed late and one in eight people living with HIV do not know their status. In October, we held an event here where we heard from the lady who preferred not to use her real name who had been diagnosed with HIV in her late 50s. She had been left with lifelong physical complications and, tragically, suffered a mental health breakdown
because of the extreme stress caused by the diagnosis, the lack of support, the fear, the stigma and the discrimination that she thought she would experience. Holding back tears, she told that room full of strangers that she had been unable to share her HIV status with her friends or family. That shows the courage of the example set by my hon. Friend. Today, unfortunately, there are still many people out there, including many I know, who would not have the confidence to do this or even to share their status in private circumstances. We have to turn that around and end the stigma and discrimination.

I absolutely endorse what my hon. Friend said about PrEP. It is simply extraordinary that we are still waiting for the English NHS to make this routinely available. People have told me this week that they want to access PrEP and cannot do so. That simply cannot be the right way forward, from a purely public health point of view, from a rights point of view, and from a cost point of view. In all respects, it is wrong. I hope that the Minister can give us some positive news on that and that we will see the progress that we have seen in the other nations. I pay tribute, as my hon. Friend did, to our Labour Health Secretary in Wales who has shown quite a lot of political and practical leadership, as a Minister, on this issue.

I was disappointed when we had the Department of Health and Social Care prevention strategy last month. There is much in there for us all to agree with, while it failed to mention sexual health at all. That was a huge disappointment because there is a huge amount in the strategy that very much applies to the agenda that we have been talking about today. I hope that the Minister can explain what the Department is going to do to ensure sexual health and HIV prevention are at the heart of that prevention strategy for the NHS overall. I also emphasise what my hon. Friend said about demand for sexual health services rising and the challenges facing particular communities, whether the BME community, the LGBT community, young people, sex workers or injecting drug users. Sometimes we shy away from talking about unfashionable and difficult topics in this House, but we need to have honest and frank conversations if we are going to end HIV and AIDS in this country.

Globally, there are still 15 million people who are not accessing treatment because of inadequate health systems and funding, discriminatory laws, stigma and discrimination, and colonial-era laws that ensure that people do not get the treatment they need. The UK needs to lead the way in ending HIV stigma for good and supporting these programmes through the work of the Department for International Development.

I pay tribute to the Minister of State, Department for International Development, the right hon. Member for North East Bedfordshire (Alistair Burt), who announced at the AIDS conference in Amsterdam an increase in funding for the Robert Carr Fund, for which so many of us have campaigned, and support for civil society organisations to support key populations.

It was inspiring yesterday to hear from not only a young female AIDS activist from Zimbabwe called Audrey, but two former Presidents—the former President of Mozambique, Joaquim Chissano, and the former President of Botswana, Festus Mogae, and the former President of Mozambique, Joaquim Chissano. President Mogae spoke to us in a way that I did not expect. He spoke about all the things that we know we need to do to tackle HIV, but he stood up as a former African leader and said, “We need to address the needs of the LGBT population, the needs of the trans population, the needs of sex workers and the needs of injecting drug users.” That sent an incredibly strong signal to leaders across Africa and the world that we must talk about these issues and take action on them, and I hope the UK will continue to provide that crucial support.

I pay tribute again to my hon. Friend the Member for Brighton, Kemptown for his courage and bravery and the message that it sends. I hope the Minister will have some hopeful words for us about the situation in the UK. I want to end by thanking all the organisations that do so much to support our APPG’s work, including the Terrence Higgins Trust, the National AIDS Trust, the International HIV/AIDS Alliance, STOP AIDS, Youth Stop AIDS, the British Association for Sexual Health and HIV and so many more. I thank all the organisations that are active in our communities and, I am sorry to say, are filling the gaps left by cuts to provision. They are out there making the case, supporting people living with HIV and taking us all down the road to ending this epidemic by 2030.

3.46 pm

Emma Dent Coad (Kensington) (Lab): I would like to commend all those who have spoken, and particularly my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle) for his bravery in speaking out in this place. I am sure his speech will be heard around the country.

As a graduate of the 1980s London club scene, I know that I had a narrow escape from contracting HIV. I remember the stories in the early ’80s coming from San Francisco about people dying from minor ailments such as flu. It was originally thought to be something to do with taking too much amyl nitrite, or poppers. Eventually the virus was identified, but it was too late for some. Quite a few of my friends became ill, and we had many funerals in the mid-’80s.

I remember the London Lighthouse project opening just down the road from my house, and Diana, Princess of Wales, came to open it. She did a huge amount to disperse the stigma. We will never forget the photograph of her holding hands with an HIV/AIDS sufferer, which made people think again about how we contract AIDS and showed pure compassion for people who were ill.

I was careful, but before I had my children, I had an HIV test. The results took an agonising two weeks. I was fine. I know that people diagnosed with HIV now live long and healthy lives with the treatment currently available, but I hear anecdotal that, because of that, some people are not being sufficiently careful with their health. Two weeks ago, I took the test again in my local hospital, having been asked to do so as part of the campaign. It now takes two minutes—you get the result immediately. Nobody needs to risk contracting HIV, but if anybody does, I recommend that they spend those two minutes to save their lives and those of their loved ones.

Thangam Debbonaire (Bristol West) (Lab): I want to add my support for the campaign that my hon. Friend mentioned. I too did that. I think those working for the Terrence Higgins Trust referred to it as “pricking the finger”, or some quite naughty expression, when it suggested that I could show that it is not that difficult
and does not take that long, and there is counselling and support around it. I recommend that any Member who has not already taken the plunge does so and shows HIV/AIDS the finger. I thank her for raising that.

Emma Dent Coad: Absolutely. I recommend that everybody does so. It literally takes two minutes.

I would like to finish by saying that, as regards ending the stigma, my hon. Friend the Member for Brighton, Kemptown has made a very powerful statement. This is your Diana moment.

3.49 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): That was an unexpected but lovely thing for the hon. Member for Kensington (Emma Dent Coad) to say at the end of her speech. I believe “Give HIV the finger” is the expression that the hon. Member for Bristol West (Thangam Debbonaire) was looking for. Wow! Madam Deputy Speaker, you have just taken over in the Chair, and you have missed a treat. I suggest that you watch it back later. Let me, as it says in my brief, congratulate the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) on securing the debate. Obviously, I share his passion for the topic, but I did not know what he was going to say until we spoke just before the debate, and even then I did not know how he was going to say it and the extent to which he was going to put so much of the personal into it.

The turnout of the hon. Gentleman’s friends and colleagues around him for his speech was a testament to its power and to how much they obviously think of him. Clapping is not right in the Chamber, but even I did clap after his speech. I do not like to clap in the Chamber or in church, but I have done one of them. The look on his face when his colleagues were all standing up and clapping him was wonderful. If I had thought to do so, I would have stood up and taken a photo for him, because it will be a nice moment for him.

Emma Dent Coad: Absolutely. I recommend that everybody does so. It literally takes two minutes.

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Eddie Hughes (Walsall North) (Con): I just want to say briefly how fortunate I feel I am to have been walking past the Chamber, seen that there was this debate and taken the opportunity to come in. My first wife was a nurse, and I remember when she came home from work—I think 27 years ago—having just treated her first AIDS case, and we were both scared. Since then, the treatment of it and the understanding and appreciation of it in society have changed so dramatically. I realise now, having heard the speech of the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle), that there is still some way to go for those who are hesitant about telling new friends and acquaintances, but it felt like a genuine privilege to have been here to hear him speak, so I thank him very much.

Steve Brine: I thank my hon. Friend for his intervention. As I was saying, much has changed since the late ’80s: health needs are different; we have better drugs and better diagnostic tools; and, as has been said, attitudes towards HIV and AIDS are totally different and totally transformed.

Thangam Debbonaire: The hon. Member for Kensington mentioned Princess Diana—the original one, as opposed to the new one—and that incredible moment. I will repeat what I said the other night in Speaker’s House. I was in secondary school at that time, and I remember that powerful image being broadcast. I was only a teenager at the time, and little did I know that I would one day be the public health Minister talking about these issues. It was one of those images that is really seared into our national conscience. What a great loss that lady is to so many social causes, as well as of course to her family. It was an incredible image.

As the hon. Member for Brighton, Kemptown has said, today, it is not about dying of AIDS, but about living with HIV. I would go further, however, because it is about more than that, is it not? It is not really “living with”; it is just “living”. I am also very privileged to be the cancer Minister, and how many times cancer patients say to me—my shadow, the hon. Member for Washington and Sunderland West (Mrs Hodgson), knows this, because people very often used to say this to us when we ran the all-party group on breast cancer together—that, “I am not my cancer. It is just something that I do and something that I have as well.” Happily, HIV is now just part of the hon. Gentleman: I am sure he would rather it was not, but it is not just something he lives with; it is something that he lives.

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A big public health display in the foyer of the Department of Health and Social Care currently shows all the different public health campaigns over the years. The terrifying tombstone image is obviously something that we have, rightly, moved on from, but it is still an incredible part of our public health campaign history. Back then, the Government made the bold move to run a major public information campaign on HIV—“Don’t die of ignorance”—and we piloted needle exchange schemes, introduced HIV testing and raised the prospect with the public. If we consider the HIV epidemic in this country, we can be proud of the record of Governments of all parties over many years.

As figures released today show, the UK has met the UNAIDS 90-90-90 target—yes!—and it is one of the first countries in the world to do so. Members from across the House are proud of that, and the latest report
from Public Health England showed that in 2017 an estimated 92% of people living with HIV in the UK were diagnosed, 98% of those were on treatment and 97% of those on treatment were unable to pass on their infection. That is a major achievement that we should be proud of. More importantly, those who work in our health service and have done so for years—like the partner of my hon. Friend the Member for Walsall North (Eddie Hughes)—should be even more proud.

Prevention is one of my passions, and one of the Secretary of State’s priorities. We do not yet have a cure for HIV, which is why prevention is so important. Our efforts to prevent HIV and AIDS have been highly successful, and much has been said about the international dimension, which I will touch on. The UK is a world leader in efforts to end the AIDS epidemic, including through our major investment in the global fund. Our largest investments are through multilateral organisations such as the Global Fund to Fight AIDS, UNAIDS and Unitaid, given their greater reach and scale. I met Lelio from Unitaid at the G20 in Argentina last month, and it is doing such good things with the investment that we announced in Amsterdam, to which the hon. Member for Cardiff South and Penarth (Stephen Doughty) referred. I work closely with my hon. Friends in the Department for International Development and the Foreign Office, and these three Departments are very tight and work closely together on this issue.

Excellent initiatives such as the MenStar Coalition aim to get more young men tested and on to life-saving HIV treatment to protect them and their partners. There is the Elton John AIDS Foundation and other partners, and MenStar is rolling out a self-testing campaign in east Africa. The UK is the second largest donor to Unitaid—a charity that does so much work against stigma—and provides an annual contribution of around £60 million as part of our 20-year funding commitment.

There has been much talk about the domestic situation, and NHS England launched the world’s largest pre-exposure prophylaxis—PrEP—trial last year. To be honest, I had never heard of that until I became a health Minister—why would I have?—but once officials had explained it to me, it did not take me long to think that it sounded like a real no-brainer. I know that many people are eagerly waiting the results of the trial. I am one of them, and my officials know of my impatience, which is legendary in our Department. It is crucial to have the right information to address the major questions and effectively implement the PrEP trial on a larger scale.

The point about savings was well made and not lost on me. I am not in a position to make a policy promise at the Dispatch Box today, but on the point about places made by the hon. Members for Brighton, Kemptown and for Cardiff South and Penarth, I say only that I am listening closely and they should continue those discussions with me—I know they will. The Department met members of the all-party group on HIV and AIDS to discuss these issues, and they should continue those discussions with me. We are listening. Many of the public health challenges we face today require different approaches and fresh thinking if we are to make progress. Indeed, in the past few years many innovative ways to tackle HIV have emerged, including HIV testing options such as self-sampling and home testing services, which I know are very popular.

I would like to mention the HIV prevention innovation fund, which I am very proud of. Innovative community-led interventions have had a significant role to play in limiting the HIV epidemic in England, so we set up the HIV prevention innovation fund in 2015 to support voluntary sector organisations. The fund has supported many projects since it started. I announced them at an event here in the House last year—the hon. Member for Cardiff South and Penarth, who chairs the all-party group, was present. In 2017, we awarded just under £600,000 to 12 projects. I am very pleased to say that we are running the fund again this year. The principle of the fund is something we are carrying over into other areas of policy, because it has been so successful. I want to see us do more of that.

This year we celebrated the 70th birthday of the NHS. I have already mentioned the incredible staff who work across the service. England has an outstanding record of achievements in HIV treatment and care. I want to take this opportunity to recognise and thank everyone for doing that. Care for people with HIV is now highly effective, and increasing numbers of people are living with HIV into older age with normal life expectancy. Antiretroviral therapy has transformed the outlook for people living with HIV, from what used to be a tragic death sentence to a very manageable long-term condition, as we heard so eloquently this afternoon.

Our policy is to make sure that HIV testing is as accessible as possible, in particular to those at increased risk. It is therefore very important that testing is available in a range of clinical and community settings—hence why the innovation fund and its programmes are important. Over the years, local authorities, which are now public health authorities up and down the land, have introduced innovations and improvements of their own, in particular on testing. We know it is working. Testing activity at sexual health services, which we know are under great pressure—we do not deny that for one moment—continues to increase and HIV diagnoses have fallen. HIV testing in sexual health services has increased 15%, from 1.07 million tests in 2013 to 1.24 million in 2017. Most significantly, we have seen a 28% drop in new HIV diagnoses between 2015 and 2017. That is encouraging and good, but we must not be complacent. I assure the House that we are not complacent and we want to continue to maintain this progress.

The hon. Gentleman mentioned the prevention strategy. That was a very top line document. I had a meeting this afternoon to discuss the prevention Green Paper, which will follow next year. I can assure him that the long-term plan, which will follow before that, will absolutely have sexual health and HIV in it. I am being very ambitious with officials on that. I know that he will rightly hold us to account and I thank him for giving me a chance to say that.

I want to touch on education and awareness. Education around HIV and how it is transmitted remains absolutely critical, as the hon. Member for Brighton, Kemptown said in his opening remarks. I am pleased to say that schools will be required to teach relationship and sex education from September 2020. The Government announced that relatively recently. I have been very involved in that in relation to the cancer brief, because I am very keen for schools to responsibly teach cancer awareness to young people. At secondary schools, there will be clear and accurate teaching about sexual matters,
including factual knowledge around sex, sexual health—including HIV—and sexuality. The schools Minister was sitting next to me throughout his speech. He wanted me to pass on his congratulations to the hon. Gentleman on his speech.

Testing is the only way to be certain of HIV status. Last week was National HIV Testing Week and the Secretary of State took part. This flagship campaign promotes regular testing among the most at-risk population groups and aims to reduce the rates of late diagnosis or of those remaining undiagnosed. Sadly, stigma remains a significant factor in why people do not test for HIV. I understand that. This can mean that HIV goes untreated and can then be transmitted. It is vital that we continue to break down the stigma, normalise testing and support those most at risk of infection.

I want to mention the “Can’t Pass It On” campaign. Whoever is doing the marketing for the Terrence Higgins Trust is doing a very good job—I know it works with a very good agency. As I said at the reception the other night, I was on the tube the other day with my daughter, who spotted some advertising or branding for testing week. She asked me what it was, because it caught her eye, and I was able to explain it to her. She is only 11. If more parents did that for their children and relatives, it would help to break down that stigma. The trust’s website has a very good page on the “Can’t Pass It On” campaign that includes different people’s stories, and I have a funny feeling that before we leave the Chamber, “Lloyd’s story” will be on it, with a clip from today in Parliament. I will certainly be clipping it off the Parliament TV website and tweeting it out through the Department of Health’s social media account.

In conclusion, I congratulate the hon. Gentleman again on introducing this timely and vital debate, and I wish him and everybody well for Saturday who will be marking World AIDS Day, whether they be remembering and celebrating private, not yet able to do so publicly, and those who, like him, are able to do so publicly. They are all part of the story, and our best wishes and love go to them all. We look forward to brighter futures in this policy area, as we work towards what I am determined will be zero stigma and zero transmissions.

Madam Deputy Speaker (Dame Eleanor Laing): Would it not be wonderful if more people paid attention to the work done in the House in such debates—this excellent, positive, meaningful, emotive and successful debate this afternoon? If only.

Question put and agreed to.

4.6 pm

House adjourned.
Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Online Child Grooming

1. James Duddridge (Rochford and Southend East) (Con): What steps he is taking to tackle online child grooming.

The Secretary of State for the Home Department (Sajid Javid): Tackling online grooming is one of our highest priorities. We are increasing our investment in law enforcement and legislating on online harms to bear down on the threat. In November, I also co-hosted a hackathon in the United States, where tech companies developed an artificial intelligence product to detect online grooming, which will be sent out licence-free for all technology companies to use worldwide.

James Duddridge: I was particularly impressed by the hackathon and the tools used. Will my right hon. Friend explain in more detail how what he saw in the US can be used here in the United Kingdom?

Sajid Javid: I gladly will. The hackathon event that I attended in the US involved the giant tech companies that we all know of. They worked together to develop a new artificial intelligence product that will detect online grooming; that is the intention. The technology showed the industry at its best and most creative, and it will help change people’s lives.

Vicky Foxcroft (Lewisham, Deptford) (Lab): The Home Secretary will be aware that next Thursday we have a debate on the public health model to reduce youth violence. A key aspect of the public health approach is cross-departmental working, so will the Minister commit to inviting other relevant Departments next week so that they can listen, if not respond, to this important debate?

Sajid Javid: The hon. Lady makes a good point about serious violence. It is important to look carefully at this public health approach, which is why I have talked of it at length in the last couple of months and have already set out the Government’s intention to have a statutory duty on public bodies and agencies to work together on it.

Mark Pritchard (The Wrekin) (Con): On the wider issue of child grooming, does the Home Secretary agree that the delays by Telford and Wrekin Council in setting up an independent inquiry into the child grooming that has gone on in that borough is completely unacceptable and that it needs to get on with it for the victims and the victims’ families?

Sajid Javid: I strongly agree with my hon. Friend. It is very unfortunate that the inquiry has been delayed; it is very important in the interests of justice and especially for those victims and their families, and I hope the council just gets on with it.

Chris Elmore (Ogmore) (Lab): I know that the Home Secretary takes child grooming online extremely seriously. I am sure he agrees, however, that there is a need to have better education for, and understanding among, young people so that they can see the signs and feel free to report when they are uncomfortable and concerned about what is happening, particularly on social media platforms. Will the Secretary of State set out what more he can do to make sure young people have that understanding and feel free to report when they are worried about what could be happening online?

Sajid Javid: The hon. Gentleman is absolutely right to raise that point, and the companies can do more to help young people to help themselves when online. When I was recently in the US, I met all the tech giants, and there are tools that they can roll out and they have promised to do just that, but there is also a role for parents in helping their children to be much more aware online.

Mr Philip Hollobone (Kettering) (Con): What is the maximum penalty for online child grooming and how many convictions have been secured?

Sajid Javid: Sadly, the amount of abuse that we are seeing is increasing year by year. There was a 23% increase in all child sex offences in the year to March 2018 and a 206% increase since 2013. The good news is that much more work and effort is going into this; each month there are around 400 arrests and 500 children safeguarded.

Nick Thomas-Symonds (Torfaen) (Lab): Tackling online crime needs to be cross-border, yet the Government have failed to get the Schengen information system, or SIS II, and the European Criminal Records Information System included in the political declaration. They have also not identified exactly what our relationship with Europol and Eurojust will be going forward, and we have only vague promises on maintaining the benefits of the European arrest warrant. When will the Government act to stop this diminishing of our ability to tackle crime?

Sajid Javid: The hon. Gentleman will know from the information we have already published that we have reached a good agreement with Europe on future security co-operation, for example on passenger name records, DNA and other important databases. He mentioned
the SIS II database, and there is also the criminal records database; we will continue to work together on those issues, and I am sure we can reach an agreement.

**Child Sexual Exploitation**

2. **Toby Perkins** (Chesterfield) (Lab): What assessment he has made of the adequacy of police resources to investigate historical cases of child sexual exploitation.

The Minister for Policing and the Fire Service (Mr Nick Hurd): As the Home Secretary has made clear, tackling the abhorrent crime of child sexual abuse is a priority for the Government, and this is reflected in the fact that it is one of six national threats in the strategic policing requirement.

**Toby Perkins:** For victims of historical child sexual exploitation to come forward, they have to have confidence that their claims will be not only taken seriously but tackled with due urgency. A constituent of mine tells me that South Yorkshire police have recently merged their historical child sexual exploitation department with their violent crime department. This means that whenever a new violent crime comes in, victims of child sexual exploitation have to wait for their case to be dealt with. What can the Minister do to ensure that specialism and due urgency are brought to these cases?

**Mr Hurd:** I accept the hon. Gentleman’s point that victims need to have confidence in the police system. That is why we have agreed to provide grants for specialist operations in a number of forces, including South Yorkshire police. Just as critically, we are investing in prevention and technology to identify online abuse.

**Michael Fabricant** (Lichfield) (Con): The hon. Member for Chesterfield (Toby Perkins) is absolutely right to make that point, but is the Minister aware that the chief constable of Staffordshire, Gareth Morgan, who chairs the committee of chief constables regarding this sort of offence, has told me that there is a growing trend for people accused of such crimes subsequently to wrongly accuse others of such a crime, so that can be used as mitigation? In other words, they are saying, “Don’t blame me. I’ve already been attacked in this way.”

**Mr Hurd:** I thank my hon. Friend, but I cannot comment on the truth or otherwise of his contribution. However, I want to press on the House the Government’s commitment to bear down on this abhorrent crime, not least by providing the police with the support and resources they need in terms of investment and powers.

**Sarah Champion** (Rotherham) (Lab): I commend the Home Secretary for his commitment to preventing all forms of child abuse, but he knows that it is not just the police who need resources; it is survivors as well. Many people come forward only in adulthood to report child abuse, but statutory support stops at the age of 18. Will the Minister make a commitment to provide support to victims and survivors regardless of their age?

**Mr Hurd:** The hon. Lady has represented her constituents extremely well, and she has extremely brave constituents who have stood up in this context. We already provide support for victims and survivors of child sexual abuse, but I certainly take on board the point that she has made and I will be happy to discuss it with her personally.

Louise Haigh (Sheffield, Heeley) (Lab): If the leaks over the weekend are to be believed, the Government intend to deliver a real-terms cut in Government funding to our overstretched police for the ninth year running. Does the Minister not agree that passing the buck to local ratepayers is unfair to those forces that have cut the most and can raise the least and that it fundamentally fails to meet the demand from legacy and current child sexual exploitation and the enormous demand from cyber-crime and soaring violent crime?

**Mr Hurd:** The hon. Lady knows that I will not comment on leaks, but I would simply point out that this Government took the steps that resulted in an increase of £460 million of public investment in our police system this year, in a settlement that she and her colleagues voted against.

**EU Settlement Scheme**

3. **Stephen Kerr** (Stirling) (Con): What support he is providing to EU citizens applying to the EU settlement scheme.

12. **Antoinette Sandbach** (Eddisbury) (Con): What support he is providing to EU citizens applying to the EU settlement scheme.

**The Minister for Immigration** (Caroline Nokes): The Home Office is putting in place a range of support for EU citizens applying to the EU settlement scheme, particularly for those who are most vulnerable. This includes assisted digital support for those unable to make online applications, a new customer contact centre and indirect support to be provided through organisations such as community groups and charities.

**Stephen Kerr:** I am of course pleased that the Minister has made clear the Government’s commitment to European Union citizens living here, particularly because there are parties in this House who have spread fear and alarm among EU citizens by questioning the Government’s commitment to their status. Does the Minister agree that those Members who spread fear and alarm should set the record straight and reassure those in our communities who are from the EU that their rights are guaranteed?

**Caroline Nokes:** My hon. Friend is right to point out the importance of sending a message of reassurance to EU citizens living here not only that they can stay but that we want them to stay and are taking steps through our settled status scheme to enable them to do so through a straightforward online digital process. I am sure my hon. Friend will welcome the fact that 95% of the people who have been through the first phase of beta testing of the settled status scheme found it very straightforward to use.

**Antoinette Sandbach:** Some EU countries, including the Netherlands, have restrictions on holding dual nationality, which is leading to some Dutch citizens here having to choose between a UK or Dutch passport. What can the Minister do to reassure the Dutch diaspora in the UK that Brexit will not have an impact on their
reaching out to them. I would be delighted to take up my hon. Friend’s invitation and shall very much look forward to it.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): Statistics from the British Medical Association suggest that nearly four in 10 NHS doctors from the EU are blissfully unaware of the Government’s settled status scheme. Does the Department not need drastically to up its game in raising awareness and ensuring that as many of those who need to apply do apply?

Caroline Nokes: We are already piloting the settled status scheme, and we have established a significant database of EU nationals with whom we correspond regularly via email through Home Office communications channels. Employers also have an enormous role to play. The hon. Gentleman highlights people working in the NHS, so I am delighted to inform him that NHS trusts are reaching out to their employees and working hand in hand with us through the second phase of piloting the settled status scheme.

Domestic Abuse


The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): We know that high-quality, insightful data is critical to tackling domestic abuse. We are using the domestic abuse statistical bulletin and the 3,200 responses to the domestic abuse consultation to develop an ambitious package of action to transform the Government’s response to domestic abuse, which will include the publication of the draft domestic abuse Bill in this Session.

Conor McGinn: Last week, in St Helens, a mother of two young children was stabbed to death in her own home. Although domestic abuse-related crime recorded by the police has increased by 23% in the last year, worryingly, in the same period, the number of prosecutions pursued has fallen not insignificantly. What is the Minister doing to ensure that the increasing number of victims who come forward, showing incredible bravery, can be confident that, in doing so, it will lead to their perpetrator’s conviction?

Victoria Atkins: I thank the hon. Gentleman for raising this. We are, of course, pleased that more victims are trusting the system and coming forward to report abuse. I am obviously very sorry to hear of the terrible case in his constituency. Interestingly, from the bulletin, we know that 77% of all referrals made to the CPS by local constabulary have resulted in charges, which is higher than the national average, and 80% of all such prosecutions resulted in a conviction, which is again higher than the national average. But, of course, part of the purpose of the draft domestic violence and abuse Bill and the package of non-legislative measures is to ensure that everyone, both inside and outside the criminal justice system, knows what domestic abuse is and how we should tackle it.
Police Funding

5. Mr Gavin Shuker (Luton South) (Lab/Co-op): What recent assessment he has made of the adequacy of funding for the police in Bedfordshire. [907955]

6. Debbie Abrahams (Oldham East and Saddleworth) (Lab): What recent assessment he has made of the adequacy of the level of police funding. [907956]

7. Kerry McCarthy (Bristol East) (Lab): What recent assessment he has made of the adequacy of the level of funding for police forces. [907957]

8. Shabana Mahmood (Birmingham, Ladywood) (Lab): Whether he plans to increase the level of funding for West Midlands police. [907958]

14. Bridget Phillipson (Houghton and Sunderland South) (Lab): What assessment he has made of the adequacy of the level of police funding. [907964]

The Minister for Policing and the Fire Service (Mr Nick Hurd): The Government understand that police demand has changed and that there is increased pressure from changing crime. Taxpayers are investing an additional £460 million this year in the police system, including income from council tax precepts. We are reviewing police spending power ahead of the provisional funding settlement to be announced later in December.

Mr Shuker: I am surprised that the Minister has grouped these questions together, as my question is about Bedfordshire. I am sure he will point to the additional funding provided for Operation Boson in this financial year, but does not the fact that the Home Office had to make that award demonstrate the scale of the problem of funding an urban area as a rural force? I have worked on a cross-party basis for the last eight years to try to get the funding formula fixed. Does he agree that the test of any future police settlement is whether it increases funding for Bedfordshire?

Mr Hurd: I am not entirely sure about that, and I think other MPs would also disagree. There is a clear Bedfordshire issue, which has been reflected in representations from MPs on both sides of the House. In recognition of some of the exceptional pressures it faces, not least through gang activity, Bedfordshire police has, as the hon. Gentleman notes, received an exceptional grant of £4.6 million. The funding settlement for next year will come shortly, and following that will be the comprehensive spending review.

Debbie Abrahams: I spent a night shift with Oldham police officers Josh and Ryan the other week, and our first call was to a threatened suicide. With Greater Manchester police’s budget cut by £215 million since 2010, and with 2,000 fewer officers, how sustainable is it for the police to be the default service in such cases because mental health and social services do not have the resources?

Mr Hurd: I hope the hon. Lady will welcome the £10.7 million increased investment in Greater Manchester policing this year. I hope she also welcomes the increased funding for mental health services in the Budget. I am absolutely determined, and I hope she shares that determination, that part of the dividend from that increased investment is reduced demand on the police.

Kerry McCarthy: In the past four years, recorded crime in Avon and Somerset has risen by 40%, with violent crime rising by over 75%. By contrast, the number of charges brought has fallen by 26%. When is the Minister going to listen to police and crime commissioners and chief constables and give the forces the funding they need so they can actually tackle crime in our constituencies?

Mr Hurd: I was in Bristol last week talking to the police and crime commissioner and the chief constable, as well as visiting the Home Secretary’s former manor. I hope the hon. Lady will welcome, although she voted against it, the additional £8 million that has gone into Avon and Somerset policing, and I am sure she will look forward to the police funding settlement shortly.

Shabana Mahmood: West Midlands police have had the second highest funding cut in the country. Our chief constable has said:

“I think criminals are well aware how stretched we are.”

And we have the rising levels of violent crime to prove it. Will the Minister now confirm that he will give our police the funding they need from our national Budget and spending settlement and not push the pressure downstream to local budgets, which will hit the poorest hardest and will not provide all the money that is needed?

Mr Hurd: With respect to the hon. Lady, I am not going to take any lessons on progressive taxation from the party that doubled council tax when it was in power. I am sure that, even though she voted against it, she will welcome the almost £10 million of additional investment in west midlands policing this year and will look forward to the funding settlement, which is imminent.

Bridget Phillipson: Northumbria’s police force has had its funding cut by more than a quarter since 2010 and has lost more than 100 officers in the past year alone. This is the largest cut of any force in England, yet crime and antisocial behaviour are on the rise. Why will the Minister not accept any responsibility for this situation, which is making it harder for police officers to do their jobs and keep our communities safe?

Mr Hurd: I am not sure the hon. Lady was listening; the Government absolutely accept that there is increased pressure on the police, as demand rises and crime becomes increasingly complex. That is why we took the steps in the police funding settlement for 2018-19 that resulted in an increased investment of £5.2 million in Northumbria police, with more to come, I hope, in the police funding settlement.

Andrew Selous (South West Bedfordshire) (Con): First, let me thank the Minister for the extra £4.6 million that he gave us last week. But does he agree that Bedfordshire has been underfunded since damping was introduced in 2004 and that part of what we need to do is refocus the police’s priorities on the bread and butter crime issues,
which perhaps involves getting others to take more responsibility for missing children and mental health issues?

Mr Hurd: I thank my hon. Friend for his assiduous campaigning on behalf of Bedfordshire police, and I am delighted that we were in a position to make that exceptional grant. He will know that there is a lot more to do in the funding settlement and the comprehensive spending review to come. I also entirely agree with him that we need to do more, working with our NHS partners, to help reduce the demand on the police.

Ben Bradley (Mansfield) (Con): Funding has rightly been directed towards cyber-crime, counter-terrorism and other new threats, but I know the Minister recognises the importance of neighbourhood policing. What plans does he have to support the police in managing crimes such as theft, antisocial behaviour and drug use, which can make residents feel unsafe in their communities?

Mr Hurd: One of the Home Secretary’s and my priorities is increasing activity in relation to crime prevention, and good neighbourhood policing is at the core of that. More investment is going into the police system. Just as importantly, the police are developing guidelines on best practice on good neighbourhood policing, which is being rolled out across the country.

Derek Thomas (St Ives) (Con): I represent the furthest south-west constituency in the country, and what I hear from people is that they just do not feel we are getting a fair share of the money available. So what can the Minister do to make sure that funds are available and that they are evenly distributed across the country so that my constituents have the safety and security they need?

Mr Hurd: The Government recognise that there is additional pressure on the police and we recognise the need to increase their capacity. Additional money has been put into Cornwall police this year, which I hope my hon. Friend welcomes. I am sure he will look forward, like the rest of the House, to the details of the police funding settlement, which is imminent.

Tim Loughton (East Worthing and Shoreham) (Con): Like Bedfordshire, Oldham and other force areas, Sussex has faced severe pressures in funding its police numbers, so our police and crime commissioner bravely urged a high increase in the police precept in order to recruit 200 additional officers each year for the next four years. That amount has been wiped out by the reassessment of the pension requirement over the next few years, such that we will not be able to recruit any more without digging into reduced funds. How are we going to get extra police officers?

Mr Hurd: I join my hon. Friend in saluting the leadership of Katy Bourne, who, like most PCCs, is either protecting or increasing the number of police officers as a result of the settlement we took through Parliament this year. We have debated the issue of the increase in pension costs. The Treasury has made it clear that it is going to contribute to part of the cost. The rest of the solution will be evident in the police funding settlement.

Henry Smith (Crawley) (Con): I, too, pay tribute to the Sussex PCC, Katy Bourne, who has successfully recently bid for almost £1 million of youth intervention funding. That is really important for my Crawley constituency, which has seen an increase in drug and knife-related crime. May I have an assurance that this partnership working with the Home Office will continue to tackle this issue?

Mr Hurd: I assure my hon. Friend that partnership working is absolutely at the heart of this Government’s approach to tackling serious violent crime and the running of drugs outside our major cities. Everything we have learnt from the examples elsewhere shows that effective multi-agency partnership works, and the Government are actively supporting that through funds such as the early intervention fund.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): The Minister deliberately and consistently confuses money raised locally by the precept with money from central Government, but he will be aware that the Select Committee on Home Affairs, the National Audit Office and the Public Accounts Committee have all sounded the alarm about inadequate central Government funding. Most recently, the Mayor of London has said that London police numbers will plummet without increased funding. When will the Minister stop blurring the facts and make sure our police get the money they need?

Mr Hurd: I am not blurring any facts. What I am doing is challenging a deception carried out by the Labour party on the British public: that somehow someone else will always pay. The Government have no money: every pound that we spend is raised in tax or borrowed, meaning that the taxpayer pays interest on it. That is the fact. If we want more investment in policing—and we do—we have to pay.

Sir Vince Cable (Twickenham) (LD): Further to the Minister’s answer on police pensions, does he accept the estimate by Chief Constable Thornton that the changes will cost the police service more than £420 million, or the equivalent of 10,000 police officers? Will he explain why that will not be met in full?

Mr Hurd: We will set out the details in the funding settlement, later. The Treasury has made quite clear its intention to fund most of those costs. The rest will be clear in the police funding settlement.

Police Numbers

9. Siobhain McDonagh (Mitcham and Morden) (Lab): What recent assessment he has made of the adequacy of police numbers; and if he will make a statement.

The Minister for Policing and the Fire Service (Mr Nick Hurd): This year, the Government took through a police funding settlement that resulted in an additional £460 million of public investment in policing. Most police and crime commissioners are either maintaining or increasing the number of police officers.

Siobhain McDonagh: One of the casualties resulting from the cut of 21,000 police officers since 2010 has been the safer neighbourhood team in Mitcham town centre. The consequence has been an increase in drug
dealing, street drinking, fighting, antisocial behaviour and men urinating in the street, which has meant that women do not want to take their children into the town centre. When will the Home Office accept the correlation between visible policing and crime, so that we can afford to have enough police to put more bobbies back on the beat in Mitcham and every town centre?

Mr Hurd: Speaking as a London MP and the Minister for London, I hope the hon. Lady will welcome the fact that the Met commissioner is actively recruiting an additional 1,000 officers, on top of the 1,000 the Met needs to recruit to stand still.

22. [907973] Robert Neill (Bromley and Chislehurst) (Con): Lack of visibility is made worse when the police do not use the resources they currently have to follow up crime. That is a particular concern to residents in Bickley in my constituency, where a 29% spike, largely in burglary and theft, has not resulted in victims being contacted in a timely manner, even when in many cases they have been able to hand over CCTV footage. Will the Minister meet me to discuss this?

Mr Hurd: I shall certainly do that, not least as I have had similar experiences in my own constituency.

Gloria De Piero (Ashfield) (Lab): This morning, I learned that a café in my constituency had been broken into for the third time this year. This is not an isolated incident: burglary in Nottinghamshire is up this year, as was up last year. How much more evidence do we need to get more police on the streets?

Mr Hurd: In the police settlement that the hon. Lady voted against, additional funding has gone into policing, and, as I said, most police and crime commissioners are actively recruiting additional officers. I hope she welcomes that.

Matt Warman (Boston and Skegness) (Con): Police numbers depend, of course, on the entry routes. Does the Minister agree that it is right that we not only encourage more graduates to become police officers but preserve the entry route for non-graduates? Does he further agree that it is important that that is a ministerial decision, not one for the College of Policing?

Mr Hurd: I thank my hon. Friend for raising an extremely important point. At a time when we are increasing investment in policing and the police are actively recruiting additional officers, who comes into the police force is critical. The police apprenticeship route, to which my hon. Friend refers, is a hugely important introduction and a hugely attractive opportunity for young people to learn and earn in a valuable and exciting job, without the burden of student fees on their neck.

Rent for Sex

10. Peter Kyle (Hove) (Lab): What steps he is taking to tackle web platforms that publish advertisements offering to provide rent-free accommodation in return for sex; and if he will make a statement.

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): Offering accommodation in return for sex is illegal, and those who do so can face up to seven years in prison. The Minister for Policing has committed to engage with technology companies, including craigslist, and to press them to meet their responsibility to provide their services safely and to prevent them from being used for criminal activity.

Peter Kyle: When sexual exploitation occurs on the streets of this country, the police act, yet craigslist is facilitating and profiting from sexual exploitation through sex for rent, and nothing is happening whatsoever. They are acting like pimps; why are we not treating them like pimps?

Victoria Atkins: That is a very strong message to craigslist and one that the Government are happy to engage with it on and ask what is going on with its website. One only has to look at some of the adverts to see the coded and yet all too obvious messages they contain. I thank the hon. Gentleman for the work that he is doing on this, but the difficulty, as he knows, is that the evidence for victims is pretty difficult to get hold of because, understandably, people can be reluctant to give evidence. One of the first jobs on our to do list is to speak to craigslist and other tech companies to tackle this.

Carolyn Harris (Swansea East) (Lab): Earlier today, Housing Women Cymru launched its “not a landlord” campaign, which aims to end the growing problem of sex for rent in Wales. Offering free and reduced accommodation in return for sex is illegal, and it is facilitated by online platforms. Those advertising are not landlords; they are criminals. What more will the Government do to review the laws around this to ensure better enforcement and to put an end to this sickening exploitation?

Victoria Atkins: First and foremost, we should look at what is happening on the online platforms, which is why the conversations with craigslist and others are so important. As the hon. Lady knows, we are investing £150,000 in research into what prostitution in the 21st century looks like, and I very much hope that that research will look at this important subject, because we know that, sometimes, people who are extremely vulnerable are being exploited by their landlords, and that is simply unacceptable in this day and age.

Immigration System

11. Stephen Metcalfe (South Basildon and East Thurrock) (Con): What plans he has for the UK’s future immigration system.

The Secretary of State for the Home Department (Sajid Javid): The Government are considering a range of options for a future immigration system. Any decisions taken in respect of our future system will be based on evidence and extensive engagement. We will publish a White Paper on the future border and immigration system soon.

Stephen Metcalfe: As my right hon. Friend will know, the science and research community thrives on international collaboration, which brings great benefits to the UK and helps us to maintain our position as a science superpower. However, technicians, scientists and researchers
are not always the most highly paid individuals who visit the UK. Will he therefore confirm that any future immigration system will recognise the skills that an individual brings, not just their level of pay?

Sajid Javid: Britain is at its best when we are open to talent from across the world. I can confirm to my hon. Friend that we will take into account what he has said. I agree that mobility is vital for research and innovation in particular, and I want Britain to remain at the forefront of these vital industries.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The Home Secretary told the Home Affairs Committee that the immigration White Paper would be published certainly in December. He will know that there is obviously concern about the delays to the White Paper. Will he tell us now whether it will still be published in December and, if so, why it will be published after the meaningful vote?

Sajid Javid: All I can say at this point is that the White Paper will be published soon—I wish that I could say more than that. It is worth keeping in mind that this is the biggest change in our immigration system in four decades. It is important that we take the time and that we get it right.

Tom Pursglove (Corby) (Con): As well as control, fairness as a principle and treating people equally regardless of where they come from in the world was right at the heart of why so many people voted to leave. What consideration is being given to that principle of fairness as we design a new immigration system?

Sajid Javid: One of the lessons from the Brexit vote was that people wanted to see control of our immigration system—one that is designed in Britain for our national interest, and that is certainly what we will be setting out. We want a system that is based on an individual’s skills and on what they have to contribute, not on their nationality.

Mr Speaker: Question 13 in the name of the hon. Member for Lanark and Hamilton East (Angela Crawley) is certainly germane to the question with which we are dealing and therefore—it is not obligatory—if she wishes to rise to her feet now and give the House the benefit of her thoughts we will be happy to hear them.

13. [907963] Angela Crawley (Lanark and Hamilton East) (SNP): The UK detains more migrants than the majority of European countries and is alone in detaining indefinitely without a time limit. Does the Minister accept the findings of the Shaw review that detention is harmful to mental health and will he end indefinite detention?

Sajid Javid: I recently made a statement to this House where I accepted much of what was in the Shaw review, including alternatives to detention, particularly detention of women. We are looking at piloting different approaches. We are in discussions at the moment, but we will be setting out more shortly to the House.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Is it not time that the Home Secretary showed some leadership and that he joined the Secretary of State for Housing, Communities and Local Government in his endeavours—the two Ministers working together to show the innovation, skills and creativity that immigrants bring to this country? Would not the Mayflower’s 400th anniversary celebration in 2020 be a wonderful hook to hang that on—celebrating what immigrants bring to this country?

Sajid Javid: I very much agree with hon. Gentleman’s sentiments about the importance of immigration. We are a much stronger country because of immigration and immigrants have contributed to every part of British life—not just our economy, but our families and communities. We should always be looking for opportunities to celebrate just that.

Sir Edward Davey (Kingston and Surbiton) (LD): The Prime Minister is selling her Brexit deal by telling the country that it ends free movement of labour. Does the Home Secretary realise that it is completely unacceptable to have the meaningful vote without the White Paper having been published?

Sajid Javid: The right hon. Gentleman will know that, deal or no deal, there will be an end to free movement of labour.

Joanna Cherry (Edinburgh South West) (SNP): At last Tuesday’s Select Committee on Home Affairs, the Home Secretary said that it was correct for colleagues from Northern Ireland to highlight particular regional concerns about immigration, and stated: “It is still possible to design a system that takes into account some regional difference.” Does he agree that the same is true for Scotland?

Sajid Javid: I am a little surprised by that question, on the basis that under the current immigration system, regional difference regarding Scotland is recognised, with the shortage occupation list, for example. I agree with the premise of the hon. and learned Lady’s question—that, although the immigration system will be a national one, we should look at any regional requirements.

Joanna Cherry: I am delighted to hear that the Home Secretary accepts that the need for regional variation in Northern Ireland is mirrored by a similar need in Scotland, although I would underline that Scotland is a nation, not a region. If he is prepared to accept that, will he give me an undertaking that when the White Paper comes out, he will consult with all stakeholders in Scotland—including the Scottish Government and Scottish employers—and be open to the need for regional variation in Scotland, such as reintroducing the post-study work visa?

Sajid Javid: The commitment that I am very happy to make to the hon. and learned Lady is that we will consult extensively when the White Paper is published, and that of course includes with our friends in Scotland.

Afzal Khan (Manchester, Gorton) (Lab): In a week’s time, MPs will be asked to make a decision in potentially the most important vote on our country’s future. Are we to do so without any idea of what our post-Brexit immigration system will be?
Sajid Javid: The hon. Gentleman said “without any idea”. We have already set out the principles of what a post-Brexit immigration system will look like; for example, there will be no freedom of movement and it will be a skills-based system. As I made clear in response to an earlier question, whether there is a deal or no deal, there will be a new immigration system.

Asia Bibi: Asylum

15. Mike Kane (Wythenshawe and Sale East) (Lab): Whether the Government plan to offer Asia Bibi asylum.

The Secretary of State for the Home Department (Sajid Javid): Our primary concern is for the safety and security of Asia Bibi and her family, and we welcome a swift resolution to the situation. A number of countries are in discussions about providing a safe destination once the legal process is complete, and it would not be right for me to comment further at this stage.

Mike Kane: May I congratulate the Home Secretary on his very brave personal testimony about what happened to him at school years back?

The Catholic Church in England and Wales, and the Catholic Church in Scotland, have both said that they will contribute to secure Asia Bibi’s safety. As I chair the Catholic Legislators Network, will the Home Secretary meet me and other colleagues to discuss the issue?

Sajid Javid: The hon. Gentleman is right to raise concerns about Asia Bibi, and I am sure that those concerns are shared by all Members of the House. It is not appropriate for me to talk about a particular case, especially if there is a risk that it might put the individual or their family in some kind of further risk, but I assure him that my first concern is the safety of Asia and her family. We are working with a number of countries, and I will do anything I can to keep her safe. I will happily meet the hon. Gentleman to discuss the matter.

Clive Lewis (Norwich South) (Lab): Will the Minister meet me to discuss the case of my constituent Mohammed Al-Maily, a Saudi national with indefinite leave to remain who has been told that he is liable for removal from the UK despite living in the UK for 28 years with his wife? The reason the Home Office has stated is that it shredded the archives detailing whom it had granted indefinite leave to remain to, and the Saudi embassy claims to have lost his passport evidencing his right to leave to remain in the UK.

Mr Speaker: That is what I would describe as illegitimate shoehorning. It is quite common for colleagues to seek to shoehorn into another question their own preoccupation. To do so so nakedly by advertising another case is a trifle cheeky on the part of the hon. Gentleman, but in observation of and tribute to his ingenuity, as well as to his cheek, perhaps the Secretary of State can be allowed to answer.

Sajid Javid: The Home Office will take a closer look at that case.

Mr Speaker: I think the hon. Member for Norwich South (Clive Lewis) should be well satisfied with that.

Carol Monaghan (Glasgow North West) (SNP): I appreciate the comments that the Home Secretary has already made about Asia Bibi, but of course there are many, many Christians in Pakistan, who live under constant threat of persecution. Will the he work with his Home Office colleagues to make sure that their cases for asylum are treated in a sympathetic manner?

Sajid Javid: The hon. Lady is quite right to draw attention to that. We believe that there are currently some 40 individuals in Pakistan on death row because of blasphemy offences. That highlights perfectly her concerns. I am sure that the whole House shares those; we will always do what we can to help.

Disclosure and Barring Service


The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): The Disclosure and Barring Service is undertaking a major change in its IT services and has concluded that its R1—release one—system is not suitable for further roll-out. The DBS will be procuring a new supplier to deliver these IT services and has agreed a short contract extension with the current provider to enable a smooth transition so that all operational services are protected.

Mary Glindon: Does the Minister believe it is appropriate to waste yet more public money by continuing to outsource that vital project? Does she agree with the Public and Commercial Services Union that it should be brought in-house, providing proper accountability and better value for money?

Victoria Atkins: I do not agree with the idea that it should be taken, wholesale, in-house. The DBS has taken full account of the findings and recommendations of the National Audit Office and Public Accounts Committee reports earlier this year, and, using its review, has decided to procure new providers to ensure delivery of services. We want to do this in as short and as frictionless a way as possible, which is why a short extension has been granted.

Topical Questions

T1. Helen Whately (Faversham and Mid Kent) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for the Home Department (Sajid Javid): I recently announced that 29 projects endorsed by police and crime commissioners across England and Wales will receive £17.7 million of funding to divert children and young people away from violent crime. I published the Government’s new strategy for tackling serious and organised crime and pledged at least £48 million for 2019-20 to target illicit finance. I have been to America to convene a hackathon where industry experts work together to develop tools to detect online child grooming. All this work is designed to keep our people safe.
Helen Whately: Fruit growers in my constituency welcome the seasonal agricultural workers scheme pilot, although they are concerned that 2,500 workers will not be enough. Will my right hon. Friend confirm that during the implementation period under the proposed withdrawal agreement, EU workers will be able to continue to come to the UK to work on fruit farms in my constituency? Will he advise on whether he has plans to expand the pilot?

Sajid Javid: I welcome my hon. Friend’s interest in this pilot scheme for agricultural workers. I can assure her, first, that it will be carefully evaluated, and if we need to expand it, we will do that. I can also confirm that workers from the EU will still be able to come and work in the UK during the implementation period.

Karen Lee (Lincoln) (Lab): The Prime Minister has told us that austerity is over and that we are going to save millions from her Brexit deal, and the Minister regularly blames Labour for austerity. We should remember, though, that the Government have given tax cuts to the very wealthy and big corporations: it would seem that the country can afford those. The evidence of cuts is clear—12,000 fewer firefighters and rising response times. The blame cannot be put on local government and fire services. In the light of the Prime Minister’s comments, and if austerity really is over, when will the Minister commission a review of fire service funding—and will he recognise, rather than ignore, the difference between allocated, as opposed to unallocated, reserves?

The Minister for Policing and the Fire Service (Mr Nick Hurd): Our firefighters do an incredibly important job. They have been well supported by the Government, with stable funding over the last comprehensive spending review period, in return for efficiency plans. We are conducting a demand review, to ensure that as we go into the next comprehensive spending review, our fire service gets the support it needs.

Several hon. Members rose—

Mr Speaker: The hon. Member for Harrow East (Bob Blackman) is looking remarkably stoical, in the light of his team’s two-goal defeat by four goals to two at Arsenal yesterday.

T4. [907979] Bob Blackman (Harrow East) (Con): I will not be tempted by your tormenting me to comment on the annual ritual, Mr Speaker.

During the recent al-Quds march, the police were once again powerless to take action against people displaying flags of Hezbollah and Hamas, on the grounds that they are the political wings of those illegal terrorist organisations. When will my right hon. Friend proscribe both Hamas and Hezbollah, so that we can take action to prevent those terrorist groups from displaying their flags on our streets?

Sajid Javid: I could suggest that we proscribe Arsenal, Mr Speaker, but I am not sure how well you would take that.

It is clear that Hezbollah has engaged in and promoted terrorist activity around the world. That is why we have already proscribed its military wing, but I am aware that Hezbollah leaders have themselves cast doubt on the distinction between the military and political activities, so I understand why my hon. Friend asks that question. It is not Government policy to comment on proscription without coming properly to the House, but I assure him that we are keeping this under review.

T2. [907977] Mike Amesbury (Weaver Vale) (Lab): According to figures provided to me by the Fire Brigades Union, the Government have cut funding to the fire service by 30% since 2010. The FBU also informs me that a further cut of 20% is planned during the course of this Parliament. How can the Minister credibly claim that austerity is over for the firefighters of Cheshire and the UK?

Mr Hurd: I thank the FBU for both questions. The truth—and it is always ignored in questions about firefighters from those on the Labour Front Bench—is that the underlying demand for the fire service has fallen, in terms of the number of primary fires and fatalities arising from fires. Under those circumstances, stable funding over the last CSR period was a good deal for the fire service. We are very serious about ensuring that the fire service has the resources it needs, with a proper understanding of the demand and risks it faces over the next few years.

T5. [907980] Antoinette Sandbach (Eddisbury) (Con): What steps is the Minister taking to give security and law enforcement organisations the tools they need to counter terrorism?

The Minister for Security and Economic Crime (Mr Ben Wallace): “Hear, hear.” Seen but not heard is the role of the Security Minister.

The Counter-Terrorism and Border Security Bill, which is currently transiting through the House of Lords, includes new measures to ensure that our statute book reflects 21st-century threats. That is why we have increased sentencing. New offences around online harm and extraterritorial reach of some existing offences will ensure that our law and order and intelligence services have the tools they need.

T3. [907978] Anneliese Dodds (Oxford East) (Lab/Co-op): Will the Home Department act in line with the Prime Minister’s commitment in a letter to me last month—namely, that EU settlement scheme applicants will not be required to show that they meet all the requirements of current free movement rules, and in particular will not have to show that they have been exercising EEA treaty rights?

Sajid Javid: The hon. Lady raises an important issue. I quite agree that we want to make this scheme as easy and simple as possible. I want all 3.5 million EU citizens to feel that they can stay as easily as possible. I want them to stay, and I can give her that confirmation.

Vicky Ford (Chelmsford) (Con): In Chelmsford, the police, the Crown Prosecution Service and youth offender programmes occasionally have recommended that a youth offender has a curfew, to safeguard them from being further targeted by gangs, but the magistrates are often not aware of all the information and overturn...
that. Will the Minister’s team work with Justice Ministers on the better sharing of information with magistrates, so that the full intelligence picture is taken into account?

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): Very much so; my hon. Friend has hit on the point that the children coming before the youth justice system are very often themselves the victims of horrendous crimes. That is why, in the serious violence taskforce, we are bringing all Departments together to spread the message about data collection and sharing, which will then be disseminated nationally through local agents.

T6. [907981] Bill Esterson (Sefton Central) (Lab): A 2% increase in pay and prices will cost Merseyside police £6.2 million extra. I know the Minister for Policing and the Fire Service wants the police precept to double, but that will not come anywhere near covering that £6.2 million figure, so unless the Government fund the increase in police pension costs, it simply will not be possible for Merseyside police to deliver on keeping the public safe. I know he will not tell us what is in the police settlement, but can he perhaps tell us that he is lobbying the Treasury for the funds needed to cover the police pension liabilities?

Sajid Javid: My hon. Friend raises a very important issue. It is about resources—that is why we saw an increase in police resources last year; and there will be a police settlement statement soon, which will look at resources going forward—but it is also about powers, and I remind him that we will shortly be bringing forward a draft domestic abuse Bill.

David Warburton (Somerton and Frome) (Con): The Children’s Commissioner estimates that at least 46,000 children in England have been targeted by drug gangs and coerced by intimidation, violence and criminal incentives into the so-called county lines system of selling drugs across the country. What work is being done by my right hon. Friend’s Department to address this appalling exploitation of children and young people?

Victoria Atkins: As my hon. Friend and other colleagues who work so closely on this will know, county lines are the dissemination of violence and drugs from our major urban centres into rural and coastal areas. Just one of the many pieces of work arising out of the serious violence strategy is the setting up of the national co-ordination centre, where law enforcement agencies work together to share intelligence and advice so that we get to the real criminals behind this practice, and also help to support the children who are being exploited.

T7. [907982] Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): The Home Secretary has rightly commended those employers planning to reimburse EU employees for the cost of their settled status applications, but has he persuaded the Chancellor that taxing such payments would be counterproductive and utterly unfair?

The Minister for Immigration (Caroline Nokes): I thank the hon. Gentleman for his question, which I know he raised at the Home Affairs Committee last week and again with me in Westminster Hall last week. Both the Home Secretary and I have undertaken to raise that with the Chancellor, who is obviously, as the hon. Gentleman will have noticed, on the Front Bench this afternoon.

Will Quince (Colchester) (Con): Last month, I attended the Centre for Action on Rape and Abuse “Reclaim the Night” march in Colchester, along with hundreds of my constituents, in protest against sexual violence against women. What steps is my right hon. Friend taking to ensure that the police have the resources they need both to prevent these crimes and to bring those who commit these horrific offences to justice?

William Wragg (Rochdale) (Con): My hon. Friend the Secretary of State visited my constituency last year, and I thank him for his visit. However, will he engage with the National Crime Agency on the well-documented problem of county lines in the north-west England and also help to support the children who are being exploited.

Sajid Javid: My hon. Friend will have noticed, on the Front Bench this brave new world, or simply shadowing and co-operating with it?

Several hon. Members rose—

Mr Speaker: Ah, Mr Courts, we have not heard from you. Let us do so.

Robert Courts (Witney) (Con): What steps are Ministers taking to create an open and global immigration system?

Sajid Javid: It is very important that we remain open and global with our new immigration system and that we also make the best use of new technology. My hon. Friend will have heard the Chancellor announce in the Budget that we will be expanding e-gates to five other countries—the US, Canada, Australia, New Zealand and Japan—and we will now also be adding Singapore and South Korea to that list.

T9. [907984] Bridget Phillipson (Houghton and Sunderland South) (Lab): As the Home Secretary cannot confirm that the White Paper on immigration will be published before the meaningful vote and given the total absence of clarity in this area, why on earth should we vote for a blindfold Brexit?

Sajid Javid: As I said earlier, the White Paper will be published soon, but it is important for people to keep in mind that this is the biggest change to our immigration system in 45 years, and it is important that we get the detail right; then we can evaluate it together, properly.

Robert Neill (Bromley and Chislehurst) (Con): For many victims of burglary, the intrusion into their home, personal space and life is tantamount to an assault. Is it...
not time that steps were taken to ensure that domestic burglaries are effectively treated as crimes of violence, in terms of police resourcing and priority, and sentencing?

**Victoria Atkins:** I thank my hon. Friend for his question. He is absolutely right: the intrusion into a person’s home in a domestic burglary can completely undermine their feeling of safety at home. That is why we continue to ensure that the police have the resources that they need to cut crime and keep our communities safe, and of course make sure that police and crime commissioners—for example, in London—set the policing priorities for their area.

**Mr Hurd:** I hope that the hon. Lady will welcome the additional public investment of just under £11 million that has gone into Greater Manchester police this year, and I hope that she will support us on the police funding settlement, which is imminent.

**Marsha de Cordova** (Battersea) (Lab): Today is the UN International Day of Persons with Disabilities. On this day, we celebrate the contributions made by disabled people and call for our rights to be realised. In the last year, hate crime towards disabled people has risen by 33%. The UN has warned the Government that statements about disabled people have encouraged negative attitudes, which leads to the rise in hate. On this day, what action are the Government taking to tackle the rise in hate crime against disabled people?

**Sajid Javid:** We must of course—all of us, in every Department—do all we can to help vulnerable people, including disabled people. That includes addressing hate crime against disabled people, which is of course completely unacceptable. We refreshed our hate crime action plan recently. We are always looking to see what more we can do.

**Mr Speaker:** Succinctness personified: Mr Gavin Robinson.

**Gavin Robinson** (Belfast East) (DUP): Thank you, Mr Speaker. Will the Home Secretary, in developing a new immigration system, support on Wednesday the ten-minute rule Bill in the name of the hon. Member for Hampstead and Kilburn (Tulip Siddiq), which would end a ridiculous situation in which terror suspects have better detention rights than those seeking to make the UK their home?

**Sajid Javid:** I thank the hon. Gentleman for raising the issue; I will take a close look at that Bill.

**Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): The Home Office asylum guidance for Afghan Sikhs is in desperate need of updating. I genuinely fear for the life of Afghan Sikhs sent back to Afghanistan because of the dangerous situation facing the Sikh community there. I am sure that the Minister is aware of the murder of 12 Sikh leaders only this July. Will she please meet me and Afghan Sikh representatives to discuss updating the Home Office guidance?

**Caroline Nokes:** I thank the hon. Lady for the question. She makes a really important point, particularly in the light of the murder of 12 Afghan Sikhs back in the summer. I would of course be delighted to meet her, and will make sure that my office makes the necessary arrangements.

**Owen Smith** (Pontypridd) (Lab): Will the Home Secretary intervene personally in the case of my constituent Mariya Kingston, who has been in dispute with the Home Office for two years? Her mother died on Friday, and she would like to attend the funeral in Uzbekistan. Will the Home Secretary please facilitate that?

**Sajid Javid:** I am very sorry to hear about the hon. Gentleman’s constituent’s family bereavement. I will take a closer look at that case.
3.34 pm

The Prime Minister (Mrs Theresa May): With permission Mr Speaker, I would like to make a statement on the G20 summit in Argentina. Before I do so, I would like to put on record my thanks to PresidentMacri for hosting such a successful summit. This was the first visit to Buenos Aires by a British Prime Minister, and only the second visit to Argentina since 2001. It came at a time of strengthening relations between our two countries, when we are seeking to work constructively with President Macri.

As we leave the European Union, I have always been clear that Britain will play a full and active role on the global stage as a bold and outward-facing trading nation. We will stand up for the rules-based international order; strive to resolve, with others, challenges and tensions in the global economy; work with old allies and new friends for the mutual benefit of all our citizens; and remain steadfast in our determination to tackle the great challenges of our time. At this summit, we showed that the international community is capable of working through its differences constructively, and the leading role the UK will continue to play in addressing shared global challenges. We agreed, along with the other G20 leaders, on the need for important reforms to the World Trade Organisation to ensure it responds to changes in international trade. We pursued our objective of making sure that the global economy works for everyone and that the benefits are felt by all. We called for greater action in the fight against modern slavery and tackling climate change, and I held discussions with international partners on security and economic matters, including on the progress of our exit from the European Union and the good deal an orderly exit will be for the global economy. Let me take each of these in turn.

At this year’s summit, I came with the clear message that Britain is open for business and that we are looking forward to future trade agreements. Once we leave the EU, we can and we will strike ambitious trade deals. For the first time in more than 40 years we will have an independent trade policy, and we will continue to be a passionate advocate for the benefits open economies and free markets can bring. We will forge new and ambitious economic partnerships and open up new markets for our goods and services in the fastest growing economies around the world. During the summit, I held meetings with leaders who are keen to reach ambitious free trade agreements with us as soon as possible. This includes Argentina, with whom I discussed boosting bilateral trade and investment, and I announced the appointment of a new UK trade envoy. I also discussed future trade deals with Canada, Australia, Chile and Japan, with whom we want to work quickly to establish a new economic partnership based on the EU-Japan economic partnership agreement.

On the global rules that govern trade, we discussed the importance of ensuring an equal playing field and the need for the rules to keep pace with the changing nature of trade and technology. There is no doubt that the international trading system, to which the United Kingdom attaches such importance, is under significant strain. That is why I have repeatedly called for urgent and ambitious reform of the World Trade Organisation. At this summit, I did so again. In a significant breakthrough, we agreed on the need for important reforms to boost the effectiveness of the WTO, with a commitment to review progress at next year’s G20 summit in Japan.

On the global economy, we recognised the progress made in the past 10 years, with this year seeing the strongest global growth since 2011. However, risks to the global economy are re-emerging. In particular, debt in lower income countries has reached an all-time high of 224% of global GDP. I called on members to implement the G20 guidelines on sustainable finance that we agreed last year and that increase transparency and encourage co-operation. At this year’s summit, I continued to pursue our mission to make the global economy work for everyone, and the need to take action, in our own countries and collectively, to ensure that the benefits of economic growth are felt by all.

Around the world, we are on the brink of a new era in technology that will transform lives and change the way we live. This has the potential to bring us huge benefits, but many are anxious about what it means for jobs. That is why in the UK, alongside creating the right environment for tech companies to flourish through our modern industrial strategy, we are investing in the education and skills needed so that people can make the most of the jobs and opportunities that will be created. We made strong commitments to improving women’s economic empowerment, and alongside that I called on G20 leaders to take practical action to ensure that by 2030 all girls, not just in our own countries but around the world, get 12 years of quality education.

To build fair economies and inclusive societies, we must tackle injustice wherever we find it. Around the world, we must all do more to end the horrific practice of modern slavery and protect vulnerable men, women and children from being abused and exploited in the name of profit. Two years ago, I put modern slavery on the G20 agenda at my first summit, and this year, I was pleased to give my full support to the G20’s strategy to eradicate modern slavery from the world of work. I announced that next year the Government will publish the steps we are taking to identify and prevent slavery in the UK Government’s supply chains in our own transparency statement. This is a huge challenge. Last financial year, the UK Government spent £47 billion on public procurement, demonstrating just how important this task is. I urged the other leaders around the G20 table to work with us and ensure that their supply chains are free from slavery, as we work to bring an end to this appalling crime.

On climate change, I made clear the UK’s determination to lead the way on the serious threat that this poses to our planet. We need a step change in preparing for temperature rises, to cut the cost and impact of climate-related disasters and to secure food, water and jobs for the future. As a UN champion on climate resilience, the UK will continue to pursue this agenda at next year’s UN climate summit. Nineteen of us at the G20 reaffirmed our commitment to the Paris agreement, but it remains a disappointment that the United States continues to opt out. I also announced that the UK will be committing £100 million to the Renewable Energy Performance Platform, which will directly support the private sector in leveraging private finance to fund renewable energy projects in sub-Saharan Africa.
This summit also gave me the opportunity to discuss important matters directly with other leaders and raise concerns openly and frankly. In that context, I met Crown Prince Mohammed bin Salman, first to stress the importance of a full, transparent and credible investigation into the terrible murder of Jamal Khashoggi and of those responsible being held to account—a matter which I also discussed with President Erdogan—and secondly, to urge an end to the conflict in Yemen and relief for those suffering from starvation and to press for progress at the upcoming talks in Stockholm. Our relationship with Saudi Arabia is important to this country, but that does not prevent us from putting forward robust views on these matters of grave concern.

I also discussed the situation in Ukraine with a number of G20 leaders. The UK condemns Russian aggression in the Black Sea and calls for the release of the 24 Ukrainian service personnel detained and their three vessels.

At this year’s summit, we reached important agreements, demonstrating the continued importance of the G20 and international co-operation. It also demonstrated the role that a global Britain will play on the world’s stage as we work with our friends and partners around the world to address shared challenges and bolster global prosperity. I commend this statement to the House.

3.42 pm

Jeremy Corbyn (Islington North) (Lab): I thank the Prime Minister for the advance copy of her statement. This G20 summit met 10 years after the global financial crash, and the 20 nations that control 85% of the world’s GDP have been too slow to reject the failed neoliberal economic model that caused the crisis in the first place, but there are signs of change. On Saturday, I attended the inauguration of a G20 leader, President López Obrador of Mexico, who has won a significant mandate for change to the corruption, environmental degradation and economic failure of the past.

Of course, some G20 countries have no such democratic mechanisms, so while economics are important, our belief in universal human rights and democratic principles must never be subservient to them. The Prime Minister—[Interruption.] The Prime Minister told the media she would—[Interruption.]

Mr Speaker: Order. Do be quiet; it is awfully boring and terribly juvenile—[Interruption.] Order. The Prime Minister was heard, and overwhelmingly with courtesy. The same will apply in respect of the Leader of the Opposition. It does not matter how long it takes; I have all the time in the day. That is what will happen. Please try to grasp this rather simple truth.

Jeremy Corbyn: Thank you, Mr Speaker. The Prime Minister told the media she would sit down and be robust with Crown Prince Mohammed bin Salman, the chief architect of the brutal war in Yemen, which has killed 56,000 people and brought 14 million to the brink of famine. The Crown Prince is believed to have ordered the murder of Jamal Khashoggi. Rather than be robust, as she promised, we learn that she told the dictator, “Please don’t use the weapons we are selling you in the war you’re waging,” and asked him nicely to investigate the murder he allegedly ordered. Leaders should not just offer warm words against human rights atrocities; they should back up their words with action. Germany, the Netherlands, Norway and others have stopped their arms sales to Saudi Arabia. When will the UK do the same?

On Ukraine, as NATO has said, we need both sides to show restraint and to de-escalate the situation, with international law adhered to, including Russia allowing unhindered access to Ukraine’s ports on the sea of Azov.

Britain’s trade policy must be led by clear principles that do not sacrifice human rights. The International Trade Secretary claimed last summer that a trade deal between the UK and the EU would be easiest in human history, but all we have before us is 26 pages of vague aspirations. It seems that neither has he got very far on the 40 trade deals he said he would be ready to sign on the day we leave next year, unless the Prime Minister can update us in her response. In the light of last week’s report from the Foreign Affairs Committee, how does she intend to ensure that the 240 export trade negotiators she promised by Brexit day will be in place, given that the Government have had two years and only 90 are currently in post?

Did the Prime Minister speak again to President Trump at the G20? He seems to have rejected her Brexit agreement because it does not put America first. The International Trade Secretary claimed that bilateral US and UK trade could rise by £40 billion a year by 2030, “if we’re able to remove the barriers to trade that we have”.

The Prime Minister claims that under her deal we can and will strike ambitious trade deals, but this morning we learned that Britain’s top civil servant in charge of these negotiations wrote to her admitting that there was no legal guarantee of being able to end the backstop.

It is clear, however, that some in the Prime Minister’s Government do want to remove barriers. Just this weekend, the Environment Secretary said, with regard to the Brexit deal and workers’ rights, that “it allows us to diverge and have flexibility”.

Our flexible labour market already means that the UK has the weakest wage growth of all the G20 nations. Did the Prime Minister ask the other leaders how they were faring so much better?

UK capital investment is the second worst in the G20. The previous Chancellor slashed UK corporation tax to the lowest level in the G20, telling us—[HON. MEMBERS: “Hear, hear!”] In doing so, he told us it would boost investment. It did not. Did the Prime Minister ask other G20 leaders why, despite having higher corporation tax, they attracted much higher investment?

Given that the G20 is responsible for 76% of carbon dioxide emissions, I welcome the fact that building a consensus for a fair and sustainable development was a theme of the summit. Why then did her Government vote against Labour’s proposal to include the sustainable development goals as a reference point when the Trade Bill was put before Parliament earlier this year? If present trends continue, many G20 nations will not meet their Paris 2015 commitments, so I am glad that the Government will be pursuing this agenda at next year’s UN climate summit, and I hope that they will also pursue it this week in the talks in Katowice, Poland.
Given that climate change is the biggest issue facing our world, it is imperative that a sustainable economic and trade model be put forward that puts people and planet over profit. Our country has the lowest wage growth in the G20, the lowest investment and poor productivity. Ten years on from the global financial crisis, this Prime Minister and too much of the G20 have simply failed to learn the lessons of that crash.

The Prime Minister: The right hon. Gentleman ranged over a number of issues. Let me pick out some key ones.

First, as I have made entirely clear in my conversations with Crown Prince Mohammed bin Salman, in the Foreign Secretary’s conversations with King Salman himself, in my conversations with King Salman and in other interactions with Saudi Arabia, we have been absolutely robust in our response in relation to the terrible murder of Jamal Khashoggi, and very clear about the need for those responsible to be held to account.

The right hon. Gentleman referred to the war in Yemen. I might remind him that the coalition intervention in Yemen was actually requested by the legitimate Government of Yemen and has been acknowledged by the United Nations Security Council.

The right hon. Gentleman asked whether I had spoken to President Trump. I did speak to President Trump in the margins of the meeting. I was clear with him that we can indeed do a trade deal with the United States of America with the deal that is on the table with the European Union. We recognise that the working group that exists between the UK and the USA, which is looking at trade arrangements for the future, has been making good progress.

The right hon. Gentleman made various other references to issues relating to trade. Yes, I did discuss trade with a number of the other leaders I met. Prime Minister Abe of Japan made it very clear that he looked forward to being able to discuss the United Kingdom’s possible membership of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, and, indeed, that was echoed by others with whom I spoke at the G20 summit.

I am very interested that the right hon. Gentleman made so many references to trade. Of course, he used to want to do trade deals with other countries, and he put that in his manifesto, but just last week he said that he did not want to do trade deals after all. Trade deals will be important to the economy of this country in the future, and we are certainly committed to those trade deals around the rest of the world.

The right hon. Gentleman then talked about corporation tax. I might remind him that, yes, we have cut corporation tax, which has been of benefit to businesses, employers and jobs in this country, and guess what? We cut corporation tax, and we are raising more money from it. We have employment at record levels, and we are the first choice in Europe for foreign direct investment.

One thing that I omitted from my statement was that during some of the other conversations that I had with leaders of countries in South America, they were reflecting on the migration problem that is being caused by the terrible situation of the economy in Venezuela.

Mr Kenneth Clarke (Rushcliffe) (Con): As the Prime Minister apparently did discuss with President Trump the question of future trade arrangements with America, will she tell us whether the President indicated any area of the American market, such as public procurement or financial or other services, that he might be considering opening up to us? If he repeated his request that we should open ourselves up fully to food imports, did she explain to him that we are unwilling to abandon the European standards that we have developed over the years to accept lower standards set by Congress, as he wishes, and that he really must adjust to the fact that we cannot forfeit all our other overseas markets to allow him to export food to this country?

The Prime Minister: My right hon. and learned Friend has raised two aspects of a potential trade deal with the United States of America. I have made it very clear to a number of people, in relation to the issue of agricultural products, that this is not a question of our membership of the EU or our adoption of EU standards, but will be a question for everyone in this country about the standards that we want to continue to have in relation to those products in the future.

As for the issue of opening up the American market for public procurement and financial services, the working group that exists between us and the United States is looking at exactly that.

Ian Blackford (Ross, Skye and Lochaber) (SNP): I thank the Prime Minister for advance sight of her statement and join her in congratulating President Macri on Argentina’s presidency of the G20. It is pleasing to hear that President Macri and the Prime Minister had productive talks on trade and investment; perhaps she will share more details of their content with the House.

Given the current strains on international diplomacy, it is welcome that the G20 was able to come together and deliver a joint statement of endeavour. The communiqué itself is clearly a compromise agreement, but it falls short in a number of areas. In particular, the pledge to look at WTO reform requires further explanation from the Prime Minister on what reform she believes is needed and why. Also, on the refugee crisis and our responsibilities, it seems that the communiqué has the bare minimum commitment rather than real ambition. That is particularly shocking given that this weekend marks the 80th anniversary of the Kindertransport—the journey of children who fled the Nazis. We should still have the same generosity of spirit towards refugees in this country today. I do, however, agree with the Prime Minister’s sentiments about the importance of the G20 to international economic co-operation, and I welcome the fact that commitments have been made to work together on economic opportunities and the greatest threat to our generation, climate change.

However, I note that in her press release the Prime Minister exclaimed that the summit gave her the opportunity to update leaders on her Brexit plans. Did the Prime Minister share with world leaders any concern that her deal is a lame duck? There are many questions for her to answer. Will she explain how she was discussing trade agreements when she will not be able to strike any deals until after the transition? Furthermore, can she explain how any of these discussions can take place when the
backstop comes in, as she confirmed in the House last Monday that the UK will not be able to have any independent trade deals?

Does the Prime Minister see the direct contradiction in her claims of working in collaboration and partnership to deliver economic prosperity when her Brexit deal rips economic stability and opportunity from beneath our feet by taking us out of the European Union? I can see her shaking her head, but that is the reality: young people are going to be denied the opportunities that our generations had.

At the summit, did the Prime Minister use her time to discuss pressing human rights issues? What discussions did she have, and did she raise the matter of Khashoggi’s death with Mohammed bin Salman?

Finally, will the Prime Minister share with us an update on her Government’s actions over the past two years to tackle climate change, or has she been too distracted to get on with the job of government?

The Prime Minister: The right hon. Gentleman asked me about WTO reform, so let me give him a couple of the issues I raised in relation to that—I think from conversations with others that it is recognised that it needs to be addressed. One is the dispute resolution mechanism, which everybody recognises is too slow. If people are to be able to have faith in the rules set by the WTO, there needs to be a dispute mechanism in which they can have faith as well. Another key area of concern is the very slow progress the WTO has made on the digital economy and looking at the whole area of e-commerce. Those are just two of the issues that will be referenced in relation to WTO reform.

The right hon. Gentleman talked about trade deals and said—I was listening carefully—that we would not be able to strike trade deals until after the transition or implementation period. That is not correct: during that period we will be able to negotiate, sign and ratify trade deals, which can then enter into operation at the end of the implementation period.

I hope we will all welcome the growing and developing bilateral relationship between the UK and Argentina, and when I was there I was pleased to be able to welcome the extra flight that will now take place from the Falkland Islands via Cordoba to São Paulo.

The right hon. Gentleman asked whether any pressing human rights issues had been raised. I specifically referenced in my statement a human rights issue on which this Government have been leading the world: modern slavery.

Joanna Cherry (Edinburgh South West) (SNP): Not true.

The Prime Minister: It is true, through the Modern Slavery Act 2015, and I am pleased to say that the Australians are now introducing legislation that mirrors ours in relation to supply chains. I encourage other countries around the world to do the same.

Anna Soubry (Broxtowe) (Con): What was quite striking for many people when they saw the photograph was that, apart from Christine Lagarde, the chief of the International Monetary Fund, the Prime Minister was the only woman in the photograph, given that Mrs Merkel’s plane did not quite make it. The lack of women as leaders is really striking. The Prime Minister rightly says that since we put modern slavery on the G20 agenda two years ago, part of the purpose of the G20 is to build fair economies and inclusive societies, and in doing that we must tackle injustice. What does she hope to achieve to tackle the injustice of there not being enough women involved at all levels of government in the G20, but especially at the top?

The Prime Minister: My right hon. Friend and I share the desire to encourage more women to come into politics, and not just here in the UK. We want to see more women able to take senior positions in the political world in other countries as well. We have a good overall record on women’s employment here, but there is still more for us to do to encourage women to see politics as a career that they want to come into. To do that, we need to tackle some of the problems that have arisen, such as the harassment and bullying that women politicians sometimes receive, particularly through social media.

Until Chancellor Merkel arrived, I was the only female Head of Government there, and the lack of female leaders sitting around the table was raised not just by Christine Lagarde but by other leaders around the table as well.

Sir Vince Cable (Twickenham) (LD): Will the Prime Minister undertake to build on her role as a candid friend to Prince Mohammed and the Saudi regime by making an appeal for clemency on behalf of 12 men who currently face imminent execution, after torture, for the crime of practising a different religion?

The Prime Minister: We regularly raise individual cases with the Saudi Arabian Government, and we talk about human rights issues every time I meet them, but I am sure that the Foreign Office will look at the particular case that the right hon. Gentleman has raised.

Sir Roger Gale (North Thanet) (Con): Did my right hon. Friend gain the impression from the G20 that beyond the European Union there is a big wide world waiting and wanting to do business with the United Kingdom? Contrary to the impression given by the spokesman for the Scottish National party, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), will it not be perfectly possible under the withdrawal agreement for us to strike and sign deals, ready for immediate implementation at the end of the transition period?

The Prime Minister: I am able to give my hon. Friend the confirmation that he seeks in relation to those issues. On his second point, it is absolutely the case that during the implementation period—the transition period—we will be able to negotiate, sign and ratify trade deals with other countries around the world. Indeed, there may be aspects of those trade deals that we will be able to bring into practice.

Rachel Reeves (Leeds West) (Lab): As the Prime Minister knows, this year is the 10th anniversary of the Climate Change Act 2008. I welcome what she has said about providing a leadership role at the UN climate summit next year, but our own country is not on track to meet the fourth and fifth carbon budgets, so what are
we going to do to provide real leadership on these issues at the G20 and to get back on track to meet those important carbon budgets?

**The Prime Minister:** The first thing is to lead by the example that we have set. As the hon. Lady says, the Climate Change Act came into place 10 years ago, and that was an important step that showed leadership here in the UK. We must continue to do that, but another aspect that we are also leading on is encouraging the greater development of resilience to climate change. As we look around the world, we see many people, particularly in the Pacific islands, who will be significantly affected by climate change. Helping those people and others—in the Caribbean, for example—to build their resilience is also important.

Sir Nicholas Soames (Mid Sussex) (Con): Will my right hon. Friend elaborate on what executive actions, beyond condemnation, the G20 partners agreed in response to Russia’s blatant and wholly unacceptable piracy in the sea of Azov and the wider Black sea?

**The Prime Minister:** As my right hon. Friend has indicated, the G20 was clear in its condemnation of this action. There was discussion among the G20 leaders on condemnation of the action, but of course one of the G20 leaders is President Putin. That is why the question of executive action is one that I think we will be taking up in other forums. We, the UK, have been one of the leaders in pressing in the European Union for sanctions against Russia for activity in Ukraine, and we will continue to do so.

Caroline Lucas (Brighton, Pavilion) (Green): Speaking today at the UN climate summit, Sir David Attenborough told world leaders that the collapse of our civilisations and the extinction of much of the natural world are on the horizon, which is a stark warning. I welcome the Government’s contribution to the renewable energy platform, but will the Prime Minister explain why they are refusing to engage in the important fossil fuel subsidy peer review process, which is being led by the G20, despite the UK handing out billions to dirty energy every single year?

**The Prime Minister:** We recognise the significance of climate change, but—the hon. Lady referenced a quote from David Attenborough—we also recognise the importance of action in other areas, such as the protection of species around the world. That is why we held a conference here in October on the international wildlife trade, which is another aspect of the future of our world. As for energy sources, we believe in having a mixed economy, but we are of course a member of the Powering Past Coal Alliance and we are encouraging others to become members.

Mr John Whittingdale (Maldon) (Con): I thank my right hon. Friend for the Government’s support for Ukraine in the face of increased Russian aggression. Will she look at ways of stepping up pressure on Russia to release not just the 24 sailors, but the 68 other Ukrainian political prisoners held in occupied Crimea and in Russia, and to cease the blockade of Berdyansk and Mariupol in the sea of Azov?

**The Prime Minister:** As my right hon. Friend points out, recent events in Ukraine are not the only example of Russian aggression, and in fact they fit into a pattern of Russian behaviour. We will continue to press for appropriate action to be taken in these matters. As I said in response to a previous question, the UK has been leading in the EU in pressing for sanctions, and we will continue to do so. I look forward to discussing with EU leaders the further steps that can be taken.

Chris Bryant (Rhondda) (Lab): Members from across the House campaigned for a Magnitsky Act to deal with human rights abusers in Russia and other countries, and we were delighted when such measures made their way into the Sanctions and Anti-Money Laundering Act 2018. However, the Foreign Office is dragging its heels and has not yet implemented any of them. Will the Prime Minister please chivvy along the Foreign Secretary to ensure that we get them in place as soon as possible? That is something we could do now.

**The Prime Minister:** I will of course ensure that the Foreign Office is looking at this issue. Along with the Dutch, we are encouraging others to take on the concept of a human rights-related Magnitsky Act, but until we leave the European Union there is a limit to what we can do when it comes to the individual imposition of sanctions.

Vicky Ford (Chelmsford) (Con): I thank the Prime Minister for pointing out that an orderly exit from the EU will benefit the entire world’s economy. In the backstop, the UK will have tariff and quota-free access to the entire single market, but we will not be paying contributions to the EU budget or following EU rules on free movement. Who should be more uncomfortable about that: the UK or the EU?

**The Prime Minister:** It is precisely because, should that circumstance come into place, we would have access without paying and without free movement that the EU is uncomfortable about the prospect of the UK being in the backstop.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Prime Minister mentioned that she spoke to President Trump on the margins of the summit about trade policy. Is she aware that the summit did not look that inspirational back home? Did she have any good informal talks with European allies? Did she get any really good bonuses out of those conversations?

**The Prime Minister:** I had a number of discussions with European allies, but I focused my meetings at this G20 summit on those to whom I do not normally get the opportunity to speak. That was why I was pleased to have bilaterals with Prime Minister Trudeau, Prime Minister Abe, President Erdoğan, President Macri of Argentina and the President of Chile, and I have referenced the particular issues taken up with Saudi Arabia.

Stephen Crabb (Preseli Pembrokeshire) (Con): The Prime Minister continues to show commitment to the world’s poorest nations. In her ongoing discussions with G20 allies, will she urge them to step up to the plate and ensure that next year’s replenishment round for the Global Fund to Fight AIDS, Tuberculosis and Malaria is full and effective so that the world can take another step forward in fighting these killer diseases?
The Prime Minister: I am very happy to take up the issue my right hon. Friend refers to. There was recognition of the issues around HIV and AIDS, and of course one of the days of the summit was World AIDS Day. This is one of those issues where everybody around the table recognises that there is still work for us to do.

Mary Creagh (Wakefield) (Lab): When the Prime Minister was discussing the brave new world of post-Brexit free trade deals with world leaders, did any of them point out the supreme irony that her own Treasury forecasts show those deals can be achieved only by reducing the amount of free trade we do with our nearest market of 500 million people and by losing access to 36 other free trade deals that our membership of the European Union currently gives us?

The Prime Minister: As the hon. Lady will know, we are working on the continuity arrangements for the trade deals that currently exist between the EU and various countries around the world. It is not right to say that it is only by not having that trade relationship with the EU that we can have trade relationships around the rest of the world. There is a recognition, both in the political declaration and in the Government’s own proposals, that we can have a good trading relationship with the EU and good trading relationships, different from those that currently exist, with other countries around the world.

Dr Julian Lewis (New Forest East) (Con): The Prime Minister’s mention of the World Trade Organisation reminds me that the Chancellor, in his Budget, wisely allocated £3 billion to £4 billion for practical preparations for exiting the EU on a WTO basis. Has each Department now received its allocated share of those funds? If not, why are they being held back?

The Prime Minister: The funds are not being held back, and Departments will receive notification of the allocation of the funds in the next few days.

Alison Thewliss (Glasgow Central) (SNP): The Yemen data project has reported that 42 airstrikes happened over the course of 10 days, of which 62% hit civilian targets. Did the Prime Minister discuss with Crown Prince Mohammed bin Salman how the bombs she sold him will be used in the coming months?

The Prime Minister: What I discussed with the crown prince was the need to find a political solution to what is happening in the conflict in Yemen. This is very important, and talks are due to take place in Stockholm. I have encouraged all parties to take part in those talks. The way to resolve the issue in Yemen is through a long-term political solution.

Mrs Anne Main (St Albans) (Con): The Prime Minister has twice given assurances to the House today that we can, indeed, do trade deals and that those deals can be signed and ratified, but not implemented until we have left the transition period. Can she confirm what the status of those trade deals would be should we go into the backstop period?

The Prime Minister: The backstop would require some restrictions in relation to trade deals—notably, we would be applying the common external tariffs—but there would be some freedom for us in relation to trade with other countries around the world. I am glad my hon. Friend has repeated the confirmation I have given that it would be possible during the transition period to ratify, negotiate and sign up to trade deals. Of course, it is the intention of the Government, and the clearly stated intention of the European Union, that at the end of that implementation period we will be in a position to operate those trade deals.

Mike Gapes (Ilford South) (Lab/Co-op): The Prime Minister has referred to a pattern of Russian behaviour, and she has also condemned the Russian aggression in Ukraine. Did she also have an opportunity in her conversations with Crown Prince Mohammed bin Salman or with President Erdoğan to talk about Syria and the continuing crimes being carried out by Russia and its Iranian and Hezbollah allies there?

The Prime Minister: We regularly raise the issues around Syria with other partners in a variety of ways. We recognise the continuing problems in relation to Syria. Of course, again, a long-term solution in Syria can only come with a political solution. It is good that we have seen some limitation of the action taking place in certain parts of Syria in recent months, but obviously we have sadly also seen continuing action against people in Syria.

Maggie Throup (Erewash) (Con): I welcome my right hon. Friend’s announcement that the Government will be taking steps to eradicate slavery in their supply chain, as that was an issue I highlighted in a private Member’s Bill a couple of years ago. Does she agree that everyone in this House should be able to be united on this issue?

The Prime Minister: It is absolutely the case that this eradication of modern slavery is an issue that everybody across the whole House should be working towards, and they should be supporting the Government’s efforts in this area. The Modern Slavery Act 2015 was an important step, but there is much more for us to do, which is why we are continuing to press forward on further action on this.

Gavin Robinson (Belfast East) (DUP): The high five between President Putin and Crown Prince bin Salman may have seemed jovial, but the undertone of geopolitically significant relationships comes with it. Did the Prime Minister have any discussions with our NATO allies on supporting the international rules-based order, which she mentioned, not only through encouraging compliance, but perhaps through coercing it?

The Prime Minister: I certainly had a number of conversations about exactly the point of maintaining the international rules-based order. We recognise that in a number of different areas this is under significant pressure, but we have been leading in some areas to ensure that it continues, not least, of course, in the work we have done in the Organisation for the Prohibition of Chemical Weapons.

James Cleverly (Braintree) (Con): Among the members of the G20 are some countries that were in crushing poverty only a few decades ago. Will the Prime Minister
reject the calls to move away from liberal free market economics and instead promote that as an agenda, removing tariff barriers imposed by wealthy countries and using free trade to lift other poor nations and people around the world out of that poverty?

The Prime Minister: My hon. Friend is absolutely right; it is trade that develops economies, helps to lift poor countries out of their poverty and helps to provide for people in those countries. One of the points I made at the summit was that the increasing protectionism we see—the increasing pressure on the rules-based international order in relation to trade—will only hit the poorest hardest.

Emma Reynolds (Wolverhampton North East) (Lab): The Japanese Prime Minister clearly does not want Japanese companies such as Honda and Nissan to face friction at the UK-EU border. When will our Prime Minister be clear that there is a trade-off between retaining the frictionless access to EU markets we currently enjoy but which will not be in place after the transition period in her deal and striking free trade deals with other countries around the world?

The Prime Minister: First, the hon. Lady has made an assumption about the political declaration. If she looks at it, she will see the ambition that is there on our future trading and relationships with the European Union. Yes, there is a balance for us in that relationship with the EU between an acceptance of rules and standards, and the checks that take place in relation to frictionless trade. The Government have recognised that—we did that when we published the White Paper in the summer—but that does not mean we cannot sign trade deals with the rest of the world. We will be able to sign those trade deals around the world.

Philip Davies (Shipley) (Con): The Prime Minister referenced her deal with the EU. Before she embarked on the negotiations with the European Union, what were the top three successful negotiations she had negotiated?

The Prime Minister: I will tell my hon. Friend one of the negotiations I successfully negotiated. When I became Home Secretary, I was told that the exchange of passenger name records across the European Union would be very important in improving our security against terrorists and organised criminals. I was also told that we were the only country that wanted it and therefore it could not happen inside the European Union. What do we now see? By painstaking work, because I refused to accept that view, we have a passenger name records directive.

Rachael Maskell (York Central) (Lab/Co-op): There is a time in politics when words are not enough; 56,000 people have been killed and 14 million are living through a humanitarian crisis in Yemen—what is the Prime Minister’s price to ensure that human rights are more important than blood money from the sale of arms?

The Prime Minister: The question of providing for those people who are suffering terribly in the Yemen today is about ensuring that there is a political solution in the Yemen. We believe that there is an opportunity for that now and that is what we have been encouraging all the parties to come together for. That is why the talks that are going to take place in Stockholm over the coming days and weeks are so important.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): While the G20 were meeting in Buenos Aires, the COP24 conference was gathering in Poland. Will my right hon. Friend reaffirm our commitment to maintaining our world-leading position on climate change resilience and our commitment to meet our obligations as agreed in Paris three years ago, no matter what the position of our closest ally, the United States, or our future relationship with the European Union?

The Prime Minister: I am happy to give our continued commitment to the obligations that we signed up to. In fact, my right hon. Friend the Secretary of State for Work and Pensions, in her previous ministerial role in energy, was a leading figure in helping to ensure that the Paris accord came together. We remain committed to it.

Tom Brake (Carshalton and Wallington) (LD): Let me return to the Japanese Prime Minister. He asked our Prime Minister to rule out no deal. Will she?

The Prime Minister: I have negotiated a good deal for the UK with the European Union.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I hope that during the course of the summit the Prime Minister managed to speak to the Brazilian President, Mr Temer, about his successor, Mr Bolsonaro, who takes over on the 31st of this month and whose virulent homophobic remarks during the election campaign were unacceptable and undconducive to good relations with the United Kingdom.

The Prime Minister: Of course, the incoming President who made those remarks was not there at the G20 summit; as my hon. Friend said, it was the current President, Mr Temer, who was there. We will continue to be clear with all countries around the world about the importance that we attach to equal rights and human rights.

Dr Rupa Huq (Ealing Central and Acton) (Lab): May I congratulate the Prime Minister on all the air miles she has clocked up recently on our behalf? I urge her Government not to forget their promises on anticorruption. The G20 declaration commits leaders to tackling “vulnerabilities in the financial system”.

What with the National Crime Agency—which the Prime Minister had a hand in setting up, as she reminded us—estimating that hundreds of billions of pounds are currently being laundered through the UK, will she give us a date for when the commitment to consult on the creation of a criminal offence for corporates of failure to prevent money laundering will materialise, so that we can practise what we preach?

The Prime Minister: I thank the hon. Lady for her remarks. I did set up the National Crime Agency and it is doing important work in this area. The new economic crime centre has been set up, and that is an important
step in dealing with these issues. We continue to look at the powers that are necessary to deal with money laundering, but we have already introduced new powers that enable us to take action against those involved in these matters.

**John Howell** (Henley) (Con): I refer my right hon. Friend to what she said about renewable energy projects in sub-Saharan Africa. How will that support the 30% renewable energy target in Nigeria, a country that cannot provide electricity to half its population?

**The Prime Minister:** I thank my hon. Friend for pointing that out. The point of the intervention we are making and the money that we are making available is that it will help to leverage private finance. It is through Government working together with private finance that we will be able to ensure that projects can come on board in a number of countries in Africa.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): If the Prime Minister’s Brexit proposals are implemented, the trade deals that she talks about will have to concentrate primarily on services, as opposed to goods. Will she therefore make a commitment to rule out using public services as a bargaining chip?

**The Prime Minister:** We have always been clear in relation to public services. The economy of the United Kingdom relies significantly on services—it is one of the areas in which we are particularly leading across the world—and I expect that we will be able to ensure that the trade deals that we do around the world incorporate those aspects of services in which we are leading.

**Stephen Kerr** (Stirling) (Con): If I might return to the subject of the sixth replenishment of the global fund to continue the fight against HIV/AIDS, tuberculosis and malaria, will my right hon. Friend confirm from her engagement with the US Administration that the United States, currently the biggest donor to the fund, shares her commitment?

**The Prime Minister:** I am very happy to say that, obviously, as my hon. Friend has said, we restated the commitment to ending HIV/AIDS, tuberculosis and malaria. The G20 is an important venue for doing that and, indeed, in one of his interventions at the summit, President Trump made reference to the need for the work that continues to be done in terms of HIV.

**John Woodcock** (Barrow and Furness) (Ind): The Prime Minister understands the supreme importance of cross-border and national security. She also understands how difficult and how long a process it inevitably is to agree and ratify new treaties. Will she level with the House and the public that there is actually very little chance of being able to agree and then fully ratify a new security treaty by the end of the transition period?

**The Prime Minister:** I have a different opinion from the hon. Gentleman. We have a clear structure within the political declaration in relation to that. I simply say to him that the December joint report on withdrawal was 16 pages. Within less than a year, we have negotiated 585—nearly 590—pages of legal text. The political declaration is, I think, 26 pages. It is perfectly possible to negotiate on all aspects of that within the two years available.

**Henry Smith** (Crawley) (Con): Next week, in Marrakesh, a UN conference on migration takes place, yet there are considerable concerns among some G20 and EU member countries—Italy for example—about its provisions. Was that discussed at the G20 summit and what is the position of Her Majesty’s Government on this?

**The Prime Minister:** My hon. Friend is absolutely right—[Interruption.]

**Mr Speaker:** Order. This is rather unseemly. I am bound to say that the hon. Member for Crawley (Henry Smith) was entitled to a somewhat more respectful welcome. His constituents were entitled to hear him heard with greater courtesy. Now that the Prime Minister is replying, this great hubbub of voluble and unnecessary noise should cease. Let us hear her reply.

**The Prime Minister:** Thank you, Mr Speaker.

My hon. Friend is absolutely right. With the launch event of the Global Compact on Migration next week, it is absolutely right that migration is being discussed in a number of forums, including, obviously, the references that we saw in the communiqué that came out of the G20 summit. That Global Compact is one way in which we can bolster international co-operation in these areas, because it does set out an approach to reduce irregular or illegal migration while improving regular and managed migration. It enables all states effectively to manage their borders. This issue is recognised across the G20 as one that needs to be addressed.

**Kevin Brennan** (Cardiff West) (Lab): When the Prime Minister met the crown prince of Saudi Arabia, did she discuss with him the 11 exchanges that our American allies said that he had had with the leader of the hit squad who murdered and dismembered Mr Khashoggi at around the time of those events? If so, is she happy still to be described as she was by the leader of the Liberal Democrats as a “candid friend” of the Saudi crown prince?

**The Prime Minister:** The point that I made to the Saudi crown prince was very simple: everybody needs to absolutely confident that the Saudi Arabian investigation is full, proper, credible and transparent. We are encouraging Saudi Arabia to ensure that it does that, and I also discussed the nature of the investigations with President Erdoğan.

**Matt Warman** (Boston and Skegness) (Con): It is the rise of technology that will change more lives across the G20 than any other factor. Will the Prime Minister restate her commitment to increase our spending on research and development so that we in this country make the most of the opportunities?

**The Prime Minister:** My hon. Friend is absolutely right. We have a firm commitment as a Government to increase the percentage of GDP being spent on research and development to 2.4%—that is both public and private sector investment. This is the way that we can ensure that we are investing in the jobs of the future.
**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): Today is International Disability Day. With more than 1 billion disabled people worldwide—and that number is set to increase—was the equality and empowerment of disabled people discussed at the G20 and, if not, will the Prime Minister commit to discussing it at a future meeting?

**The Prime Minister:** What was discussed was the importance of ensuring that economic development benefits all people, including those who currently feel that they are not benefiting from it and obviously including disabled people. A number of events around the margins of the G20 also addressed a number of these issues.

**Chris Philp** (Croydon South) (Con): The Prime Minister mentioned in her statement the importance of securing free trade deals around the world, yet some Members of this House are proposing the so-called Norway-plus option—membership of the single market and the EU customs union, most likely with a backstop. Does she agree that that would prevent free trade deals from being done, that we would still be paying money in and that there would be unlimited free movement, and will she join me in saying that would be an extremely bad choice for our country?

**The Prime Minister:** I am happy to confirm what my hon. Friend has said. That option would indeed mean that we would continue to pay and would have to accept free movement; the Norway-plus model also has the issue of the customs union. We have negotiated a deal that is right for the United Kingdom.

**Carol Monaghan** (Glasgow North West) (SNP): I am pleased that the Prime Minister recognises the importance of an equal playing field with respect to trade. Will this also apply to the contract for the fleet solid support ships, and can the Prime Minister assure our UK shipbuilders that foreign Government-sponsored bids will be ruled out?

**The Prime Minister:** The hon. Lady will be aware that we have developed a national shipbuilding strategy. This is an important step forward that will support shipbuilders around the UK.

**Martin Whitfield** (East Lothian) (Lab): By 2030, each girl is guaranteed 12 years of education. Will the Prime Minister confirm the commitment from the G20—and particularly this country—to achieve this target by 2030?

**The Prime Minister:** We are already one of the countries that is putting significant funds from its international development funding into the whole question of girls’ education, and we will continue to do so.

**With permission, Mr Speaker, I wish to make a statement to the House. I should make clear the context in which I consider that I am to do so today; my statement is intended to inform the debate that is shortly to commence on the motion to approve the withdrawal agreement and the political declaration on the future relationship concluded with the European Union by my right hon. Friend the Prime Minister.**

It is important to understand how the Law Officers habitually give their advice, which may be a mixture of oral and written communications given at different times during fast-developing events. Ministers are advised by their own departmental lawyers, and the points that arise for consideration of the Law Officers are invariably limited to the relatively few of particular importance to the policy decision of the Government. Therefore, my statement today is complemented by a detailed legal commentary, provided for the purpose of the debate and published this morning, that analyses the effect of the agreement as a whole. That legal commentary has been produced with my oversight and approval, and I commend it to the House as both an accurate examination of the provisions of the agreement and a helpful exposition of some of the salient issues that arise from them.

There is, of course, no want of other sources of helpful commentary available to the House, and in making this statement in these unusual circumstances and in answering any questions that hon. Members may have, I consider that I have a solemn and constitutional duty to this House to advise it on these legal questions objectively and impartially, and to place such legal expertise as I have at its disposal. The historical precedents strongly support that view. The House may be sure that I shall discharge this duty with uncompromising and rigorous fidelity. If this agreement is to pass this House, as I strongly believe it should, I do not believe that it can or should pass under any misapprehension whatsoever as to the legal matters on which that judgment should be based.

It is important to recall that the matters of law affecting the withdrawal can only inform what is essentially a political decision that each of us must make. This is a question not of the lawfulness of the Government’s action but of the prudence, as a matter of policy and political judgment, of entering into an international agreement on the terms proposed. In the time available to me, it is impossible to have covered each of the matters of law that might arise from 585 pages of complicated legal text, and no Attorney General—certainly not this one—can instantly possess the answers to all of the pertinent questions that the skill and ingenuity of hon. Members may devise.

However, I am aware that there are certain parts of the agreement the meaning of which attracts the close and keen interest of the House, and it is to some of these that I now turn: first, the Northern Ireland protocol and some of the other provisions of the withdrawal agreement relevant to it. The protocol would come into force, if needed, on the conclusion of the implementation period on 31 December 2020 unless, pursuant to article 132 of the agreement, both the UK and the EU agreed to a
single extension for a fixed time of up to one or two years. By article 1, the protocol confirms that it would affect neither the constitutional status of Northern Ireland nor the principle of consent as set out in the Belfast or Good Friday agreement. The statutory guarantee that a majority in Northern Ireland would be required to consent to a change in its constitutional status as part of the United Kingdom and the associated amendment to the Irish constitution to remove its previous territorial claim remain in place.

Once in force, by article 2.1 of the protocol, the parties would be obliged, in good faith, to use their best endeavours to conclude by 31 December 2020 an agreement that superseded it. There is a separate but closely related duty on the parties under article 184 to negotiate expeditiously and use best endeavours in good faith to conclude an agreement in line with the political declaration. Having regard to those obligations, by article 1.4 of the protocol, it is expressly agreed not to be intended to establish a permanent relationship but to be temporary. That language reflects the fact that article 50 of the Treaty on European Union does not provide a legal basis in Union law for permanent future arrangements with non-member states.

If either party did not comply with its obligations of good faith after the implementation period, it would be open to them to bring a complaint under the dispute settlement provisions set out in articles 164 to 181 of the agreement. These include independent arbitration. Clear and convincing evidence would be required to establish a breach of that obligation. If the protocol were to come into force, it would continue to apply in international law unless and until it was superseded by the intended subsequent agreement, which achieved the stated objectives of maintaining the necessary conditions for continued north-south co-operation, avoiding a hard border and protecting the Belfast agreement in all its dimensions.

There is therefore no unilateral right for either party to terminate this arrangement. This means that if no superseding agreement can be reached within the implementation period, the protocol would be activated and in international law would persist even if negotiations had broken down. How likely that is to happen is a political question, to which the answer will no doubt depend partly on the extent to which it is in either party’s interests to remain indefinitely within its arrangements.

Under the protocol, the UK would form with the EU a single customs territory for goods for fiscal or tariff purposes. Accordingly, Northern Ireland would form part of the same customs territory as Great Britain, with no tariffs, quotas or checks on rules of origin between Great Britain and Northern Ireland. However, Northern Ireland would additionally apply defined aspects of the EU’s single market rules relating to the regulation and control of the supply of electricity on the island of Ireland; goods, including cross-border VAT rules; and the EU customs code. Those rules would be enforced as they are now, including preliminary references from Northern Ireland courts to the Court of Justice of the European Union.

By those means, the need for any hard border would be avoided, and goods originating in Northern Ireland would be entitled to free circulation throughout the EU’s single market. In all other respects of its regulatory regime, Northern Ireland would follow the applicable UK legislation, save where those were devolved. By article 7, a Northern Ireland business would also enjoy the same free circulation of its goods throughout the United Kingdom, while its EU competitor—whether situated in the Republic of Ireland or elsewhere in the single market—would not.

I turn to the role of Union law and the CJEU under the withdrawal agreement and within the dispute settlement provisions. It is important to place these provisions in the context of the objectives of the agreement, which is the orderly exit of the UK from the EU for our citizens and businesses. To that end, following the implementation period, the agreement provides for the continued application of Union law in defined and strictly limited respects, where it is necessary or desirable for legal certainty to do so.

Although we will legally leave the EU and cease to be a member state on 29 March 2019, part 4 of the agreement provides for an implementation or transition period of 21 months, which is designed to enable our people and our businesses to adjust to the changes that are coming. During that implementation period, so as to give the time, predictability and continuity that is needed, it is provided that Union law should continue to apply, and the laws, systems and institutions of the EU will have the same role and functions as before.

But on the conclusion of that period, on 31 December 2020, that will come to an end. Thereafter, Union law and the Court of Justice will possess a relevance in the United Kingdom only in so far as it is necessary, in limited and specific areas, for the winding down of the obligations of our relationship of 45 years. For example, the rights of our own citizens living in EU member states and of EU citizens in the United Kingdom are created and defined by Union law. If they are to be preserved in equal measure and with the necessary consistency and certainty, it is inevitable that the mutually protected residence and social security rights of those particular groups of people must continue to be defined by reference to that law. Those rights are provided for in part 2 of the agreement.

Our citizens living in member states throughout the EU will continue, as is natural, to depend for their ultimate protection on the CJEU, while EU citizens living in the United Kingdom will look to the UK independent monitoring authority set up under article 159 and to the UK courts. But they will no longer be able, as now, to require our Supreme Court to refer a question of interpretation of their rights under Union law to the CJEU where the determination of such a question is necessary to resolve a dispute.

Instead, pursuant to article 158, the UK courts, for a fixed period of eight years only, may refer—I repeat, may refer—to the CJEU a question of interpretation of part 2 of the agreement in the interests of achieving consistency in the enforcement of the rights of citizens while the new system is established. After that time, our courts will, pursuant to article 4.5, continue to interpret concepts and provisions of Union law in the areas in which the agreement applies as it always have, and they have due regard to relevant post-implementation case law where, for example, it may be required for the practical operation of the agreement, such as in regard to the co-ordination of social security rights for the protected EU and UK citizens.
Part 3 deals with the lawful conclusion of judicial and administrative proceedings, transactions, processes and other matters that have arisen or commenced under Union law frameworks before the end of the implementation period, and to which Union law and the role of institutions must continue to apply for their orderly disposition. It allows a four-year limitation period on the power of the Commission to refer to the Court an alleged breach of an obligation incurred prior to the end of the implementation period.

Part 5 deals with our agreed financial obligations. It provides, under article 160, for Union law and the jurisdiction of the Court to apply beyond the implementation period. It is then for the panel to apply that interpretation to the dispute, it can ask the Court to resolve that question. It is then for the panel to apply that interpretation to the facts of the dispute, and thus decide how the dispute should be resolved.

The divorce and separation of nations from long and intimate unions, just as of human beings, stirs high emotion and calls for wisdom and forbearance. It calls also for calm and measured evaluation by the House of the terms of the separation agreement in the light of the complexity and difficulty of the task it is intended to achieve. The gradual loosening and removal of the ties that have bound us to the European Union for 45 years will take time to work out. This agreement and the European Union (Withdrawal) Act 2018, already passed by the House, allow for the necessary time and legal means for that process to unfold in a peaceful and orderly way.

I am at the disposal of the House to answer questions, in so far as I can, on these and other legal matters. I commend this statement to the House.

4.49 pm

Nick Thomas-Symonds (Torfaen) (Lab): I am of course grateful to the Attorney General for his statement, and for advance sight of it, but all Members who are asking questions are at a major disadvantage, because they have not read the legal advice on which the statement is based. That is totally unacceptable when aspects of the Attorney General’s advice have been selectively leaked to the press over the weekend. For example, it has been reported that in a letter to Cabinet Ministers last month, the Attorney General said, in respect of the backstop arrangement,

“The protocol would endure indefinitely”

if trade talks broke down. In his statement, the Attorney General talked about political factors that might, in his view, make the backstop temporary, but in reality, that is not the legal position. Perhaps he can confirm that the legal position is as set out in the letter—that the protocol will “endure indefinitely” if the trade talks break down.

On 13 November in this House, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer)—the shadow Brexit Secretary—and I were very clear on what was being sought: the final, full advice provided by the Attorney General to the Cabinet on any completed withdrawal agreement should be made available to all MPs in good time for the vote on the deal. Offers short of that, including of the Attorney General’s statement today and of a summary made by the Government, were rejected, and the House unanimously passed a motion to that effect. [ Interruption. ] “Playing games,” shouts the Chancellor. On 13 November, the Conservative party could not get one of its MPs to vote against the motion—not one.

The document that has been produced is, in the Attorney General’s own words, a legal commentary, produced with his oversight and approval. It is not the final legal advice to the Cabinet. Frankly, the explainer produced alongside the withdrawal agreement was longer and more detailed than this document. Is not the reality that the Government do not want MPs to see the full legal advice, for fear of the political consequences?

There is no point whatever in trying to hide behind the Law Officers’ convention. The ministerial code and “Erskine May” are very clear: Ministers have the discretion, under that convention, to make advice available in exceptional circumstances. What circumstances could be more exceptional than these? The economic, political and constitutional integrity of our country is at stake.

I quote paragraph 82 of the legal commentary:

“The Agreement does not contain any provision on its termination. In the absence of such a provision, it is not possible under international law…to withdraw from the Agreement unilaterally.”

A straight question to the Attorney General: can he direct me or the House to any other international treaty to which the UK is party that it has no unilateral right to terminate? Can he even name one?

Furthermore, articles 1.4 and 2.1 of the backstop protocol are clear that its provisions “shall apply unless…they are superseded, in whole or in part, by a subsequent agreement.”

[Interruption.] No, the “in whole or in part” bit was not commented on in the statement, actually. Put simply, that means that parts of the backstop could become permanent, even in the event of a trade deal being agreed. I ask the Attorney General directly: what is his view on which parts of the backstop arrangement in this protocol are most likely to become permanent?

May I raise with the Attorney General the issue of the impact on the Good Friday agreement? Page 306 of the withdrawal agreement refers to the need for the protocol to be implemented so as to “maintain the necessary conditions for continued North-South cooperation,” including the conditions for possible new arrangements in accordance with the 1998 agreement. So can the Attorney General tell the House, in his view: first, which new arrangements he believes would be in accordance with the 1998 Good Friday agreement; and, secondly, which arrangements he believes would not be in accordance with it?
In the first instance, it will be for you, Mr Speaker, to rule on whether there has been an arguable case of contempt for what we on the Opposition Benches believe to be a failure to comply with the motion of 13 November. For the sake of our economy, our jobs and our futures, all possible information should be made available to Members of this House. The Government should do the right thing and make the full advice available. With so much at stake for all our constituents and with eight days to go before the vote on the deal, this House and this country deserve better from this Government.

The Attorney General: First, let me say that the hon. Gentleman has far better than any advice I may or may not have given to the Government: he can ask me. All he has to do is ask and he will receive, because I will give him a frank answer. [Interruption.]

Mr Speaker: Order. I know the Attorney General is very well able to— [Interruption.] Order. Members must calm themselves. I know the Attorney General is very well able to look after himself, but I simply and gently counsel Members—gently, at this stage—not to yell from a sedentary position in that way. The right hon. and learned Gentleman would not, I am sure, be accustomed to such treatment in a court. If he were subject to it, I think the judge would take a very dim view. [Interruption.] Order. He is entitled to a courteous reception. As the House knows from experience, I will want to hear everyone who wishes to question him. But in the first instance, be calm and behave.

The Attorney General: It is very rare for the Attorney General to appear to answer questions in the House on matters of law. I am doing so, so that Opposition and Government Members can have a full, frank and thorough opportunity to ask me, as the Government’s chief legal adviser and as an adviser to the House on constitutional and legal matters, what our legal position is. I assure the House that if questions are asked, I shall answer them candidly.

The hon. Gentleman told me that I had not said anything about the subsistence of the Northern Ireland protocol. Let me make no bones about the Northern Ireland protocol: it will subsist. We are indefinitely committed to it if it comes into force. There is no point in my trying or the Government trying to disguise that fact. The truth, however, is this: what is the political imperative of either entering into it or not entering into it? That is a calculated equation of risk that each Member of this House is going to have to weigh up, and do so against different alternatives.

The hon. Gentleman also mentioned that I should answer whether other treaties are permanent. Hundreds of treaties throughout the world are permanent—treaties on borders, treaties on rivers; the Vienna convention has entire sections on permanent treaties. If the hon. Gentleman wants me to enumerate some, I will write to him with them—I am afraid I do not have them to hand. There is an entire section of the Vienna convention on permanent treaties. The question whether we have a right to terminate under the convention is a matter of construction. Let me make it plain: there is no such right to terminate if the Northern Ireland protocol comes into force. The question of how likely it is to remain in force is a political judgment to be based on factors largely relating, as I have said, to in whose interests it would be to remain in it for longest.

Mr Speaker: I call Mr Kenneth Clarke— [Interruption.] Order. It is rather unseemly for people to yell out, “Is that it?” The Attorney General, to be fair, has given a very full response— [Interruption.] Order. Members can make of it what they will, but in any case, everybody should cheer up now, because we are about to hear from the Father of the House.

Mr Kenneth Clarke (Rushcliffe) (Con): Whether that will cheer people up or not, I have no idea.

First, I sincerely congratulate my right hon. and learned Friend the Attorney General on his masterly exposition of the facts and the law, which put paid to quite a lot of the paranoia and conspiracy theories that have been running around all too often in our European debate.

Secondly, does my right hon. and learned Friend accept that it was central to the Good Friday agreement—the Belfast agreement—that both sides committed themselves timelessly to an open border, and that will be all wrapped up if we ever move to the Northern Ireland protocol? It would be quite shameful if the European Union, the Republic of Ireland or the United Kingdom were given the right unilaterally to terminate that arrangement at a time of their political choosing, so this is perfectly sensible. Does he also agree that both the United Kingdom and the European Union will have reasons to hesitate before going into the protocol—they may prefer to extend the transition agreement—and that neither of the parties will have any political motive for staying indefinitely in that protocol?

In his exposition, I think my right hon. and learned Friend has done what he was trying to do: get rid of all these theories about the ECJ still being involved, as it obviously will have to be, in the rights of British citizens after we leave, and enabled the House to get back to the real political debate that we have to have in the next few days.

The Attorney General: I am most grateful to my right hon. and learned Friend for his question. The truth of the matter is that the Northern Ireland protocol would represent a solemn commitment to the people of Northern Ireland that this Government will honour and respect the Belfast agreement. I make no bones about it: I would have preferred to have seen a unilateral right of termination in the backstop. I would have preferred to have seen a clause that allowed us to exit if negotiations had broken down irretrievably, but I am prepared to lend my support to this agreement because I do not believe— [Interruption.] I am most grateful for those cheers of applause. I do not believe that we are likely to be entrapped in the backstop permanently. I can give reasons why I say that, but my right hon. and learned Friend has foreshadowed them. So I agree with him: this represents a sensible compromise. It has unattractive and unsatisfactory elements for us, but it is for the House to weigh it up against the potential alternatives and to assess whether it amounts to a calculated risk that this Government and this House should take in these circumstances, weighed up against the realities of the alternatives.
Joanna Cherry (Edinburgh South West) (SNP): The binding motion passed by this House on 13 November ordered the production of any legal advice in full, including that provided by the Attorney General, and with a particular focus on the Northern Ireland backstop—not a commentary, but the legal advice in full. The House did not divide. The Government effectively conceded that these were exceptional circumstances and that the normal, very important convention would not apply, so that ship has sailed.

The Attorney General and I are both senior lawyers in our own jurisdictions, so I am sure that he will not want to insult my intelligence or that of the House by pretending that this Command Paper reflects in any way the nuanced advice that he will have given to the Cabinet, focused on particular questions such as those that we saw leaked over the weekend. For example, he just said that it is not his belief that we will be trapped in the backstop permanently, but this House, which has to take the final decision—not the Cabinet—is not interested in his belief; it is interested in his legal opinion. Can he confirm, as a matter of law, that there is nothing to prevent the backstop from becoming the permanent UK-EU relationship in the event that the two sides cannot agree a future economic relationship? That is a matter of law.

Will the Attorney General acknowledge something else? He is a democrat, the Government are democrats; they have gone on incessantly about the will of the people for the last two years and profess to believe in parliamentary sovereignty. We sitting in this House are the representatives of the people, and we voted to see his advice in full, not his commentary, so will he undertake to produce that advice—the sort of nuggets that were leaked over the weekend, but in full—before the rise of the House today, and before tomorrow’s debate, or is he prepared to run the risk of being found in contempt of Parliament merely to protect the Conservative and Unionist party against further internal strife?

The Attorney General: I have the greatest respect for the hon. and learned Lady. She has put her case rationally and reasonably, and I will deal with her points one by one. She asked whether there was anything to prevent the protocol from becoming permanent in the event of no agreement. As a matter of international law, no there is not—it would endure indefinitely, pending a future agreement being arranged—but that does not exhaust all the matters of law. As a matter of EU law, it would, in those circumstances, be highly vulnerable to legal challenge. It is widely accepted, including by the EU Commission and taskforce 50, that article 50 is not a sound legal foundation for permanent arrangements between states. If negotiations irrevocably broke down, the protocol would de facto become permanent and therefore seriously challengeable in the Court of Justice of the European Union for being invalid. That legal uncertainty by itself is sufficient to promote to the EU the need to do a deal with us. It would be profoundly detrimental to thousands—indeed millions—of traders throughout the single market. That is one factor that convinces me that this is a risk worth taking.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I start by welcoming without reservation my right hon. and learned Friend to his position. He knows that I have believed for many years that he should have filled this post.

I welcome my right hon. and learned Friend’s statement. Page 6 of his document refers to what is defined as “good faith”. He mentioned the International Court of Justice, so I hope he will not mind if I quote from one of its judgments referenced in footnote 8. He talked about how long the backstop should last and what defined “good faith”. The judgment states that “the failure of the Parties to reach agreement, 16 years after the conclusion of”—

earlier negotiations—

“does not itself establish that either Party has breached its obligation to negotiate in good faith.”

As my right hon. and learned Friend knows, his right hon. Friends on the Front Bench one by one have used good faith as their defence for being locked into this problem of the backstop and as their explanation of how we will get out. As a matter of law, is good faith required for best endeavours?

The Attorney General: The duty of good faith and to use best endeavours is a legally enforceable duty. There is no doubt that it is difficult to prove—[Interruption]—as I hear from a sedentary position, but that is not to say that it has not been proven. The case reports of the International Court of Justice, as well as arbitral tribunals throughout the world, have recorded decisions where tribunals have found breaches of good faith duties. There would need to be clear and convincing evidence that the breakdown of communication was due to bad faith—I fully accept that—but if the EU refused to engage with us, strung out negotiations in a thoroughly unreasonable way or failed to observe reasonable time limits, those would be hallmarks of a possible case of breach of good faith. It is a meaningful legal obligation.

I remind the House that we are dealing here with the United Kingdom on one hand and the European Union on the other. Their reputations in international forums, and their reputations as a question of international law, are at stake. If you put your name to a solemn legal obligation to negotiate something in good faith within a certain time limit, it is a very serious obligation of which to acquit yourself: it cannot just be played fast and loose with.

Nigel Dodds (Belfast North) (DUP): As the right hon. and learned Gentleman knows, I have the utmost and deepest respect for him in relation to his approach to these issues and the discussions that we have had, but he has said himself that the whole business is deeply unsatisfactory and unattractive, which makes me wonder why he is recommending the agreement. It seems to me that we are now reliant on our learned friends to take cases in international courts, rather than this sovereign Parliament being able to decide when we can get out of these backstop arrangements.

Can the Attorney General confirm what he said—that this is an indefinite arrangement that can be permanent in law, despite what some of his Cabinet colleagues are saying? I do not have time to go into all this, because, as other Members have said, we need to see the actual legal advice as requested by the House—that must happen—but can he also confirm that under article 15 of the Northern Ireland protocol, the Northern Ireland customs arrangements mean that Northern Ireland will form part of the EU customs territory and not the United Kingdom’s, although “a single customs territory”
is established between the UK and the EU? Will he confirm that under article 4 of the protocol, there is a new right under international law—one that is not in the Belfast agreement of 1998—for the EU to oversee certain aspects of the implementation of that 1998 agreement?

I have added those detailed points, which I will follow up with the Attorney General in later discussions, but the overall context is, as he has said, a deeply unattractive, unsatisfactory agreement. Rather than recommending it, he needs to recommend that it be rejected.

The Attorney General: The right hon. Gentleman has thrown down the gauntlet in asking me to re-examine my support for the agreement. I do not mind confessing to him that I have wrestled with this question, because I am a Unionist and dislike any divergence between Northern Ireland and the rest of the United Kingdom; but I have had also to take into account first that this is an arrangement that we can avoid, and secondly that if we were in it, it would be as much an instrument of pain to the European Union as it would be to the United Kingdom.

I ask the right hon. Gentleman to think of what the European Union is now accepting. It accepts that Northern Ireland can have free circulation of its goods not only into the single market, but to Great Britain. No other single market trader will have that advantage. Hundreds of single market traders throughout the European Union are going to resent the fact that the goods of a Northern Ireland business situated one mile north of the border can flow smoothly into the single market and smoothly into Great Britain, while theirs cannot. So there are real reasons, which the right hon. Gentleman and I can discuss at greater length, why I do not believe that this will become a permanent solution.

Let us suppose, however, that those negotiations broke down or took an unreasonable length of time. All around the European Union there will be single market traders seeing the benefits that Northern Ireland can have, who will be induced by those benefits to ask, “Should we go on putting up with this uncompetitive arrangement?” And what are they likely to do? Why, they are likely to beat a path to the door of the Commission and then to say, “Didn’t you say that article 50 is not a sound legal foundation for this arrangement?” And I tell you frankly, Mr Speaker, they are likely to win.

Mr Speaker: Order. I understand that the House is mildly animated, but we must hear what the Chair of the European Scrutiny Committee wants to say.

Sir William Cash: Thank you, Mr Speaker.

There are five precedents over the past 40 years of full disclosure being made of an Attorney General’s advice for compelling and exceptional reasons in the public interest. Does my right hon. and learned Lady that it would not. There is no procedure by which this House can have redactions or entertain dealt with the incompatibility of the European Communities Act 1972 with an Act of Parliament, the Merchant Shipping Act 1988, which was then struck down in the courts, analogous to the legal status of the withdrawal treaty in relation to the European Union (Withdrawal) Act passed by this House in 2018, and with which that treaty is incompatible?

The Attorney General: This is not a question of the lawfulness of the Government’s action, as it was in the publication of Lord Goldsmith’s advice; this is simply a view on the legal effects of a particular agreement. There are hundreds of lawyers throughout the United Kingdom, I am delighted to say, who could offer a perfectly competent view on this agreement. I cannot see why there is anything exceptional about the current circumstances and about my advice. But let us suppose there were something exceptional about my advice; well, I am here to be asked any question that the Government have also asked, so all that right hon. and hon. Opposition Members have to do is ask and I will give them a frank answer.

Ms Harriet Harman (Camberwell and Peckham) (Lab): Will the right hon. and learned Gentleman acknowledge frankly to this House that publishing this paper on the legal position on the withdrawal agreement and his statement to the House today does not represent compliance with the motion of this House that was passed unanimously on 13 November, and does that not represent the following fundamental point of constitutional principle? It would be serious for any Minister to resist a motion of the House, but it is more so for it to be the Attorney General, going along with Government defiance of the House, when his very office is about our constitution—when he is the person in government whose job it is to make sure the rest of them stay within the rules. How can he do that if he himself is acquiescing in breaking them? He has in his statement rightly acknowledged that he has a duty to this House as well as to the Government and that his duties involve giving legal advice to the House. It is in our Standing Orders that he is legal adviser to the Privileges Committee. So how can we have a situation where the Attorney General allows the Government to openly defy the will of the House? The Government have a choice: they can either comply with the motion of the House or seek to change it, but they cannot remain in defiance of it. It is the Attorney General’s responsibility to tell them that; will he?

The Attorney General: I am grateful to the right hon. and learned Lady for that question. The truth is that I am caught in an acute clash of constitutional principle. A Minister is obliged to have regard to the public interest and the national interest. Let us suppose I had given any such advice that has been requested by the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), and let us suppose that that advice had covered all sorts of matters, including our relationships with foreign states and including arguments that might be deployed in the future—and their strengths and weaknesses—and including matters of acute importance to this country; would it be right for the Attorney General, regardless of the harm to the public interest, to divulge his opinion? I say to the right hon. and learned Lady that it would not. There is no procedure by which this House can have redactions or entertain
circumstances in which it could weigh the competing public interest against the interest in disclosure, as a judge would do. She knows what I mean. Therefore, I cannot take a step that I firmly and truly believe would be contrary to the public interest. I ask the House to understand that it is only that consideration that is motivating me and this Government in declining at this stage to break the convention that applies to both sides of the House when they are in government. There is nothing to see here. [Interruption.]

Mr Speaker: Order. I gently appeal to colleagues to lower the decibel level. You do not have to look into— [Interruption.] Order, Mr Russell-Moyle. You do not have to look into the crystal ball when you can read the book. The evidence is that I always call colleagues to ask questions, and the Attorney General has indicated his readiness to take those questions, as indeed he must. So you will all get a chance, but please let the answers be heard.

The Attorney General: I ask the right hon. and learned Lady to accept that I will give this House a stark, uncompromising and completely frank view on any relevant point of law. I suggest that, if I had given advice, there would be no real significance in that advice being disclosed, because this House has the opportunity to ask me directly.

Mr Dominic Grieve (Beaconsfield) (Con): My right hon. and learned Friend is to be commended for his statement and for the document that has been produced, which I have to say from my own experience is rather fuller than any advice he might ever have been called upon to produce. First, it might be helpful to the House if he took this opportunity to confirm that there is nothing in this document that is incompatible with any advice that he gave to the Government? I would not expect him to be in a position to endorse any such document if it were at variance in that way. Secondly, turning away from that first principle to the content, might he also wish to comment on the provisions specific to Northern Ireland in paragraphs 25 to 29, which appear to show quite clearly that under the protocol it would be possible to end up with a situation in which there were in fact checks and controls on good passing between Northern Ireland and the rest of Great Britain?

The Attorney General: I am grateful to my right hon. and learned Friend. He will understand that if I were to make that express confirmation, I would by that means be disclosing what advice, if any, I had given. I hope that the House will understand—unless it is to be supposed that I would tailor my advice according to my audience, which I assure the House I would not do—that there is no matter on which hon. Members could ask me a question on which I am likely to have given a different answer to any other party who might have asked me about it in the course of these negotiations. In all candour, therefore, I can say that all the House has to do is ask.

In relation to my right hon. and learned Friend’s second question, it is true that there would be regulatory divergences—as there are within sovereign states throughout the world—between one part of the sovereign territory of the United Kingdom and another, but those divergences could be kept to a minimum. They involve, on my investigation, some 15 forms of product in respect of which checks might have to be carried out at the border. Those 15 forms of product are largely phytosanitary goods in respect of which checks are already carried out in many cases at the ports of Northern Ireland. Therefore, while that border would exist—I find that distasteful myself—the issues are nevertheless mitigable, and the question again is whether that feature should lead us to decline this deal, which I firmly believe is the best way of ensuring that we leave the European Union on 29 March. That is the solemn responsibility that this side of the House—and some on the Opposition side—believed that we had. This is the deal that will ensure that that happens in an orderly way and with legal certainty.

Hilary Benn (Leeds Central) (Lab): I say to the right hon. and learned Gentleman that there is something to see here. If the Government can decide which votes of the House of Commons to respect and which to ignore—as you said when ruling on a point of order on 13 November, Mr Speaker, it was not the opinion of the House of Commons that it wanted the full legal advice to be released, but the will—what does democracy mean in this place?

Now, I have a question for the Attorney General on which I want his legal advice. As he will be aware, the withdrawal agreement is legally binding, but the political declaration is not. Can he draw to the House’s attention a single example in international law of when a failure to act in good faith has successfully compelled one party in a negotiation to reach an agreement as extensive as the one that the Government hope to achieve and that is set out in the political declaration covering trade in goods and services, security, foreign policy, broadcasting, data and co-operation on a wide range of matters? If there is such an example, I would very much like to hear about it.

The Attorney General: The right hon. Gentleman points out that we are in a unique situation. There has never been a case in which a country has seceded from the European Union, and there has never been a case in which 45 years of legal integration of a state the size of the United Kingdom has been untangled. That will take time, and it must be done in an orderly way. I will write to the right hon. Gentleman if there are any specific examples to assist me, but the fact of the matter is that I doubt it, which is the frank answer, because we are in this extraordinary and unique situation.

To address the first part of the right hon. Gentleman’s question, I will repeat myself: what does he expect us to do? When he was a member of the Cabinet, if he believed that to take an action would be fundamentally contrary to the public interest of this country, I suspect that he would find that a difficult situation to resolve. The House’s resolution is entitled to the greatest of respect, and the Government and I are inclined to do as much as we can and to go as far as we can, which is why I have come to the House today—it has barely happened more than a few times in the past 50 or so years—to answer the House’s questions. However, I cannot take a step that I believe in conscience would be against the public interest and potentially seriously harmful to a fundamental constitutional principle and the temporal interests of this country in the midst of a negotiation.
Dominic Raab (Esher and Walton) (Con): I welcome the Attorney General’s transparency both in his oral statement to the House and in the Command Paper. First, will he confirm that the article 20 review mechanism necessitates that the EU agrees to the UK exiting the backstop even if the negotiations have dragged on for many years or, indeed, have broken down? Secondly, while the article 50 basis for the backstop is meant to be temporary, it might well take some 10 years for it to be struck down by the European Court of Justice. If he thinks that that is too long, will he give the House his best estimate?

The Attorney General: Article 20 permits both sides to consider, even when no final agreement has yet been reached, whether alternative arrangements might suffice to protect the stated objectives of the Northern Ireland protocol. If they do, both sides could agree to put in place those alternative arrangements before any final agreement had been reached.

It is important to remember that, when one says final agreement, it is of course possible, indeed likely, that it may be a series of agreements reached at different times. My answer to my right hon. Friend is that article 20 creates that ability, but it is not a unilateral right of termination. It does not give us a right to walk away. It creates a procedure and obliges the European Union to consider alternative arrangements that are not part of a final deal.

I think my right hon. Friend went on to ask me about article 50 and the time it might take. The period of years he mentions is probably far too long, but it is impossible to say. What one can say is that, long before any case is brought, the pressure bringing those cases to the Court would be telling upon the Governments of the member states and upon the European Union. The legal uncertainty would be intense, and it is a real factor that this House must weigh up in considering whether the protocol is something that it wishes to support.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I am trying to understand the Attorney General’s arguments in answer to earlier questions. He seems to be saying that the Northern Ireland protocol, including the close relationship with the single market and membership of the single customs territory, is such a good deal for UK businesses that EU member states would hate it and would be desperate to bring it to an end as soon as possible. Is that his view? Is that the Government’s view? If so, is he now arguing for us to stay in a single customs territory indefinitely and to keep a close relationship with the single market?

The Attorney General: What I do say is that the customs arrangement under the backstop produces the following advantages. We pay not a penny and our goods have free access, in fiscal and tariff terms, to the European Union, yet the regulatory framework that we have to observe is dealt with by way of non-regression clauses that are not enforceable either by the EU institutions or by the arbitration arrangements under the withdrawal agreement. They are policed solely by British courts and British authorities.

In those circumstances, what does it mean? It means that they cannot. They have granted access to the single market for no contribution, without free movement, without signing up to the common fisheries policy and without signing up to the common agricultural policy. For all those reasons, what I say to the right hon. Lady is that if it is painful to us, it will be as painful to them. Where we want to end up is an arrangement that suits us both. This suits neither.

Sir Michael Fallon (Sevenoaks) (Con): With regard to the Northern Ireland protocol and paragraph 11 of the Attorney General’s helpful annex, will he advise us on what might constitute “a clear basis,” as he puts it, for a finding of a breach of duty of good faith?

The Attorney General: Evidence of wilful intransigence, evidence of refusal to engage, evidence of refusal to entertain alternative proposals or alternative means of achieving the outcomes that both share: that type of evidence, cumulatively, could amount to a case of bad faith, but each situation is facts-specific. It is not possible to identify beforehand, but those are the kinds of things that would be relevant.

Kate Hoey (Vauxhall) (Lab): The Attorney General has been very honest about the downside of this backstop, and that is even without the legal advice, so we dread what we would actually see in the legal advice, if we could see it.

On Sunday, the Secretary of State for Northern Ireland told Northern Ireland’s “Inside Politics” with Mark Davenport that even if the backstop kicks in, Great Britain will stick to the same rules as Northern Ireland. Will the Attorney General have a word with her? She is going around Northern Ireland on a tour and saying some things that are actually not accurate, giving the people of Northern Ireland a very wrong impression about what this agreement means.

The Attorney General: The regulatory regime in Great Britain will be a matter entirely for the Government of the United Kingdom. It is permitted and agreed under the protocol that they can maintain their regulatory regime in the way they choose, in which case they could choose to maintain, as I have no doubt they would wish to do, regulatory parity with the position in Northern Ireland. That is all the Secretary of State is saying, and I see nothing controversial in that.

Sir Oliver Heald (North East Hertfordshire) (Con): I commend my right hon. and learned Friend on the statement he has made. Does he agree that in international law concepts of good faith and of using one’s best endeavours are very important, because right at the heart of international law is the idea of a rules-based system that good countries aspire to? Does he agree that it is therefore important both to the UK and to the EU that they should show good faith and should use their best endeavours? Does he also agree that if they did not do so when it came to the point that has just been raised by my right hon. Friend the Member for Sevenoaks (Sir Michael Fallon) about paragraph 11 in the references to the protocol, it would be an absolute disaster for either the UK or the EU to be found not to be in good faith?
The Attorney General: I do agree with that; the duty of good faith is a very solemn, well-understood one in international law. It would be an astonishing thing if the EU were not to negotiate in good faith, particularly after the act of good faith that this country, in concluding this agreement, will have committed itself to. So this is not something that can simply be ignored, but I fully accept that it is not a unilateral right of termination and it would not be easy to establish “bad faith” against an organisation of the type of the EU. It would never happen, because I do not believe that the European Union would descend to the kind of behaviour necessary for a bad faith claim to be brought successfully.

Helen Goodman (Bishop Auckland) (Lab): On 13 November, did the Attorney General advise the Chief Whip that Government Ministers should vote against the motion—and if not, why not?

The Attorney General: I only wish I had the influence that the hon. Lady believes I have. I did not advise the Chief Whip, and I do not suppose he would have taken the advice even if I had given it.

Dr Julian Lewis (New Forest East) (Con): I am about to attempt to achieve the ambition of a lifetime and get a one-word answer out of a lawyer. Is it possible that the UK could find itself locked in backstop forever against our will?

The Attorney General: No.

Frank Field (Birkenhead) (Ind): Does the Attorney General agree that a motion such as the one I have tabled on the Order Paper would give this House sovereignty on when we should leave the backstop, should we enter it, and that as a country we would have a degree of certainty, which he has been able to supply today? If the Government go down in defeat next week, would he suggest that that should be top of the Prime Minister’s negotiating list with the European Union?

The Attorney General: I have enormous respect for the right hon. Gentleman and his suggestion, and I realise that other right hon. and hon. Members are considering similar things. I simply say this: what we cannot do is anything that is incompatible with our obligations under the withdrawal agreement. Any amendment to the meaningful vote that would introduce a qualification to our obligations under the agreement would be likely to be viewed by the European Union as a failure to ratify it and would justify non-ratification on its part.

Frank Field: But if you fail to get it through the House?

The Attorney General: We will be plunged into such great chaotic disorder in the circumstances that the right hon. Gentleman suggests that I very much hope the House will think and reflect carefully before doing that.

Mr David Jones (Clwyd West) (Con): My right hon. and learned Friend has pointed out that the best endeavours clauses in the withdrawal agreement impose a duty on both sides to proceed with the utmost good faith in seeking to achieve an agreement at some time in the future. He has said also that these are obligations that are judicable and enforceable. As a practical lawyer advising the House, as he has kindly offered to do, will he tell the House whether this is a matter about which the House should be relaxed? Or should we proceed at our peril?

The Attorney General: As my right hon. Friend knows, the job of any lawyer for any client is generally to assist the client to make decisions as to the balance of risk in any decision that they are about to take. There is no question but that the absence of a right of termination of the backstop presents a legal risk. The question whether it is one this House should take is a matter of political and policy judgment that each one of us must grapple with. The House has heard and, for reasons that I am not going here to expatiate upon, I have taken the view that compared with the other courses available to the House, this one is a reasonable, calculated risk to take. Other Members of this House must weigh it up, but that is my view.

Maria Eagle (Garston and Halewood) (Lab): In response to some questions from Members of this House today, the Attorney General has asserted that in his view it would not be in the public interest to meet the terms of an effective resolution that was passed unanimously by this House. Can the Attorney General really take that view? Was it not incumbent upon him and the Government to vote against that resolution if he thought that it would be against the public interest to publish his advice, as he has asserted today?

The Attorney General: I fully understand the hon. Lady’s understandable indignation, because the truth is that we are now in a curious situation in which no vote was passed against that motion. I ask her to reflect on this: let us suppose that the Government had voted against it and lost. What position would that place us in? It would place me in exactly—(Interruption.)

Mr Speaker: Order. The hon. Member for Bishop Auckland (Helen Goodman) has already asked her question, with considerable force and alacrity. She is now not only inclined to chunter from a sedentary position but seems to be laughing and in a state of some uncontrollable mirth. I advise her to control herself.

The Attorney General: If the vote had been lost instead, precisely the same position would pertain, which is that the Attorney General and the Government would be faced with a clash of constitutional principle. Of course the Government wish to do all they can, which is why I am here today to answer as candidly and frankly as possible the questions of the House on any matter about which it wishes to ask, but if I am satisfied and convinced that any disclosure of the kind the House has asked for would be contrary to the national interest, I cannot comply with the House’s request. I urge the House to understand that I am doing everything I can, as are the Government, to fulfil the spirit of the request. No matter upon which this House inquires will be handled, disguised or in any way downplayed. Nothing—nothing—will be held back.

Mr Jacob Rees-Mogg (North East Somerset) (Con): My right hon. and learned Friend has been enormously gracious in being willing to answer any question the House may have on legal matters, and there are many
questions that we all have to ask that may not be easy to put in one short question, but unfortunately he does not answer the basic point about denying a motion passed by this House. Surely that, but as I view it is not in the national interest is not good enough. When the Government lose a vote, they must follow the will of this House under an Humble Address, according to all precedent. It is no longer a matter for the Government to judge; it has been decided by this House, which is a higher authority. I therefore urge my right hon. and learned Friend, in spite of his generosity in answering questions, to go back and release the advice asked for by this House.

The Attorney General: Well, of course, when a request comes from the quarter from which it has just come, I will always want to re-examine the assumptions that I have made, but I have to say to my hon. Friend that the problem here is that it cannot be right that the House, by means of such a motion, has the power, blind, to call for any matter that has been discussed in connection with the Government of this country. Where does it end? [Interruption.] Just wait a minute. I am trying to do my best. Where do the limits of this power end? Does it extend to Cabinet minutes? Does it extend to the papers of the secret intelligence service? Is the House, by means of this motion, to command any paper of any kind, central to the interests of this nation, without even being able to check that, by its release, it is causing, or might cause, severe damage to the public interest? I invite my hon. Friend to consider the implications of the absolute rule that he is talking about. It cannot be right and if one looks at previous versions—[Interruption.] If one looks at previous versions of “Erskine May”, one sees that the motion to return is confined to documents of public and official character. If there are good reasons of public policy why those papers should not be disclosed, then the House will either withdraw or rescind its motion.

In this case, I am convinced that to disclose any advice that might have been given would be fundamentally contrary to the interests of this country. [Interruption.] I say to Labour Members that there is no use baying and shouting. What I am trying to do is guard the public interest—that is all. It is time that they grew up and got real. If there were a single item that I thought might be politically embarrassing, I would have no truck with the idea that this advice or any that I might have been given should be disclosed. It is because the public interest is at stake. What part of that proposition is the Labour party incapable of understanding?

Hon. Members: More!

Caroline Lucas (Brighton, Pavilion) (Green): At stake today are really serious issues and yet this House is descending into farce and into some kind of amateur dramatics. This is serious stuff—[Interruption].

Mr Speaker: Order. Mr Chalk, you are a most cerebral and ordinarily a most genial individual and you also practise—or have done—in the courts as a barrister in, I am sure, a most dignified and respectful manner. [Interruption.] Order. This is a serious point. Just as the Attorney General is entitled to be treated with respect, every Member of this House—[Interruption.] Order. It will go on for as long as it takes. I could not care less. Every Member of this House is entitled to be treated with respect in this matter and the hon. Member for Brighton, Pavilion (Caroline Lucas) will be heard.

The Attorney General talked about baying and shouting—[Interruption.] Order. He was justified in complaining about being subject to baying and shouting—a point that I have already made. The same goes for Members responding to the hon. Lady. She will be heard. What part of that proposition do some people not understand?

Caroline Lucas: Thank you, Mr Speaker.

I was just saying that these proceedings are in danger of descending into farce. The Attorney General repeatedly says that he will subject himself to what he calls full, frank and thorough questioning, but he knows as well as we do that our capacity to do that questioning is seriously undermined by the fact that we do not have the full legal advice in front of us in order to interrogate it. He talks about the national interest. It is precisely because these are issues of national interest that we wish to see the full legal advice. Will he go away and look again at the principle that, in exceptional times, transparency should take precedence, and therefore produce the full legal advice for this House?

The Attorney General: In all earnestness, when I gave my statement the hon. Lady will have noticed that I said that the House must understand the process by which the Law Officers give their advice. There may be no such “full legal advice”. Law Officers are consulted ad hoc, on the hoof, in fast-developing circumstances. That is what I said at the beginning of the statement. The fact of the matter is that I am here to answer the hon. Lady’s questions. [Interruption.] Well, then I will see the hon. Lady at any time and at her convenience, when she can ask me any question.

I cannot breach the constitutional convention to a client—in this case, the Government—particularly if I believe, as I do with all candour and sincerity, that it would be contrary to the national interest in the course of a negotiation that might involve discussions about strengths, weaknesses and future strategies. [Interruption.] There was a sedentary comment from the Opposition; this is not arrogance. I wish that I could comply with the request of this House, but if I did, I sincerely believe that it would not be in all our interests. In a court, that matter can be resolved by a judge, but in the procedures of this House—it may very well be that we need to look at those procedures—there is no such arbiter. Therefore, although the House says that I should disclose, I believe that the public interest compels me not to. I am sorry.

Sir Desmond Swayne (New Forest West) (Con): The backstop is in the agreement at the insistence of the EU, and it affords the EU a huge advantage and leverage when it comes to our determination never to be in it when we negotiate the future arrangements, does it not?

The Attorney General: The answer is no. If anything, the leverage is in the opposite direction. The French, the Belgians and the Dutch all want access to our coastal waters, but this is outside the backstop’s purview. Therefore, they will want access and we will have to negotiate. We do not have to pay a penny. It is legally uncertain. We have regulatory flexibility in Great Britain. Northern Ireland has free circulation of its goods both to GB and the European Union. My right hon. Friend knows that I support leaving the European Union. If he wants my frank view, I believe that the European Union will be very keen indeed to do a deal with us.
Mr Speaker: Order. No one enjoys the right hon. and learned Gentleman’s eloquence more than I, but let us share it with the whole House.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): The British Government insist that they have the right to take privileged legal advice that remains private between lawyer and client. I recall the Labour Government using the exact same excuse during the Iraq war. In the light of the confessed damage that any Brexit deal will cause, I beg, who is the client? Should not the Attorney General learn from the mistakes of the past, discharge his solemn and constitutional duty as a humble servant of Parliament and of the public, and publish? If not now, when?

The Attorney General: First, I point out to the hon. Lady that the advice of Lord Goldsmith was published two years after the event. What the House is now asking is that the advice, if any, given by the Attorney General be published in the middle of the negotiations, where we may still need to deploy many of the arguments connected with the withdrawal agreement in the future. Secondly, the advice of Lord Goldsmith was on a question of the lawfulness of the Government’s action. This is not a question of whether the Government acted lawfully; this is simply a question of whether the Government are acting wisely, on which Members of the House can disagree. There is a fundamental distinction between the position when the advice of Lord Goldsmith was given in 2003 and the advice today. The advice that the Attorney General and the Law Officers give on a matter such as this could be replicated by any lawyer of reasonable competence. Why, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) could pop down to his chambers and find half a dozen lawyers capable of giving the same advice that I might have given on these points—probably better. The truth of the matter—what is so important about my advice?

Hon. Members: You’re the Attorney General!

The Attorney General: Well, it is very good of the House to attribute such importance to the Attorney General, but the reality is that, in terms of substantive effect, there are hundreds of lawyers who could give this opinion. [Interruption.] Let me finish.

Mr Speaker: Order. The hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) should not rant from a sedentary position. She asked her question with considerable force; let us hear the response.

The Attorney General: The Attorney General has a very special role when the lawfulness of the Government’s action is at stake. There, it is true, he occupies a central role, because if he says it is not lawful, the Government cannot act contrary to his advice. But in a case such as this, the essential question before us all is a political question, not a legal one.

Dame Cheryl Gillan (Chesham and Amersham) (Con): On whichever side of the House hon. Members sit, those of us who have been in government know that it is very important that there is safe space in which Law Officers and civil servants can give advice to Ministers. I fear that today we are trying to breach that convention, and that could be very dangerous for our system. It is extraordinary to me that people would prefer to have a piece of paper produced for them that they have clearly been told may contain information that damages the national interest, rather than have the Attorney General before us, who is giving us further and better particulars, and answering all questions in a full, frank and fair way.

Mr Speaker: I think the right hon. Lady is finished—no?

Dame Cheryl Gillan: Well, Mr Speaker, I was just going to ask the Attorney General to confirm that there is nothing in the written advice that he has not covered today that, if it were revealed, would be damaging to the national interest.

The Attorney General: On all points of law about which this House has asked me, or any point arising from the withdrawal agreement, I will give the same view to any person who asks.

Mr Speaker: Order. I advise the House that 21 Back Benchers have questioned the Attorney General in 50 minutes. Believe me—I know these things, as I sit in this Chair for many hours and it is my privilege to do so—this is a much slower rate of progress than is customary. I appeal to colleagues to ask short questions and to the Attorney General, whose mellifluous tones I never tire of hearing, to be appropriately pithy in reply.

Tom Brake (Carshalton and Wallington) (LD): Given the precedent set by Lord Goldsmith, whose legal statement was clearly spun and cherry-picked, without seeing the full legal Brexit advice, why should any MP here today believe that this statement is not similarly massaged and designed to bolster the Government’s position and deny MPs on both sides of the House full access to the legal advice that this House has demanded? I am afraid to say that the Attorney General has rather contemptuously and theatrically—as if he were performing “Rumpole of the Bailey”—dismissed us and refused to provide us with the advice.

The Attorney General: I can only tell the right hon. Gentleman that I have not massaged the advice. I have given it absolutely as I see it—absolutely starkly. I will give that same advice if anybody asks to come and see me, but I cannot breach the fundamental constitutional principle that I believe it would be contrary to the public interest to break. I can only invite the right hon. Gentleman to accept that I have given this advice as candidly as I possibly can; I cannot say any more if he does not accept that.

Mr Steve Baker (Wycombe) (Con): An amendment was tabled to the Humble Address motion that was highly sympathetic to my right hon. and learned Friend’s position. It was not selected and not passed, but the motion, unamended, was passed. Therefore, whatever he has just argued at the Dispatch Box, the position is as my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) set out—he is under an instruction. If he wishes to change the position in the House of Commons, will he move a motion in this House to support the position that he has just set out?
The Attorney General: I will certainly give my hon. Friend’s point consideration, because that may be one way forward. At the conclusions of today’s proceedings, I shall consider what the position will be, and I shall be writing to Mr Speaker with my conclusions and proposals.

Mr George Howarth (Knowsley) (Lab): The right hon. and learned Gentleman says that it would not be in the national interest to share his legal advice with the House. Does he not realise, though, that in just over a week’s time this House is going to have to decide what is in the national interest? How are we supposed to do that when he will not tell us what his legal advice is?

The Attorney General: With respect to the right hon. Gentleman, he has had my legal advice. What he has not had is what is in any kind of document that might have been created or my oral advice in any other circumstance, to Government Ministers or to the Cabinet—if such exists. But he has had my legal advice—

Mr Howarth: No, I haven’t.

The Attorney General: Yes, the right hon. Gentleman has had my advice, and can have it at any other point on matters of law arising from the withdrawal agreement.

Victoria Prentis (Banbury) (Con): Does the Attorney General think that it would have been possible to sign the withdrawal agreement without the inclusion of the backstop?

The Attorney General: No.

David Hanson (Delyn) (Lab): I am not a lawyer, so I would welcome the Attorney General’s advice. This House passed a unanimous motion. It was not opposed by him or his Government. It is binding on this House. Could he give me some legal advice as to what my rights are now?

The Attorney General: I think the right hon. Gentleman has plenty of opportunities to consult people other than me. Ultimately, what the House will have to decide is whether an Attorney General and a Government who are seeking to protect the public interest are in contempt of its motion when they have sought to comply with the spirit of it to the maximum possible degree, and when they have put their legal adviser at the disposal of the House and instructed him to give full, frank, complete answers to any question asked on the matters of law that any legal advice would have been likely to cover.

Stephen Crabb (Preseli Pembrokeshire) (Con): The Attorney General said that he would rather that there was a unilateral termination clause in the Northern Ireland protocol. Earlier, in the Select Committee on Exiting the European Union, Olly Robbins appeared to concede that one such clause had been drafted and had been tested with EU negotiators, but ultimately not deployed in the negotiations. Could the Attorney General confirm whether he was asked to provide legal advice on a unilateral termination clause and whether the decision not to include it in the negotiations was a political or a legal one?

The Attorney General: I cannot. I cannot, without breaching the convention, disclose whether or not I was asked to advise on any particular point. But what I can say is that the question of termination clauses was most certainly raised in the negotiations, but the European Union declined to entertain those termination clauses. It did so because the backstop is envisaged as an absolute guarantee that in all circumstances, including that of no deal, there would be no hard border at the Northern Ireland-Republic of Ireland border. Therefore, to have a termination clause would be a contradiction in terms. It would not be a guarantee if you can walk away from it. That is the decision the House must face—in the light of that, it must decide whether this is an arrangement into which it should, given the alternatives, enter.

Ian Paisley (North Antrim) (DUP): I thank the Attorney General for his absolute candour in how he has presented this to the House this evening, but the stark reality of what he has set out, to any person living in Northern Ireland, is that as a result of Northern Ireland ending up in this backstop, which would be utterly shameful, Northern Ireland would become an annexe of the United Kingdom when it comes to trading relations during the backstop period. I quote to him from the document that he has placed in the Table Office today:

“These provisions apply to measures that affect trade between Great Britain and the EU, but not trade between Northern Ireland and the EU.”

In fact, we would have to comply with another regime. How could any Unionist sign up to that?

The Attorney General: The European Union’s original proposal, as the hon. Gentleman will know, was that Northern Ireland should reside in an entirely separate customs territory. The Government took the view that that was wholly and completely unacceptable. Why? Because there is virtually no sovereign state in the world that has separate customs and fiscal tariffs within its own sovereign territory. But there are many nations throughout the world in which different provinces and parts have regulatory divergence. The regulatory divergence in this case can be minimised to an almost, if not wholly, invisible extent. Furthermore, we do not wish, nor expect, to be in this arrangement. Under article 132 we can extend the implementation period, and if we are close to doing a deal, or even reasonably close, no doubt that is a choice that we will have to consider.

I say to hon. Members that I understand entirely their feelings of concern, even distaste, but this is a question affecting the whole United Kingdom and its interests. So vital is the fact that we should have an orderly exit from the European Union that, as people who hold the United Kingdom’s Union at their heart, I would urge them to consider supporting this agreement, for it is our means out of the European Union.

Nigel Dodds: For all of us?

The Attorney General: It is a means out of the European Union. The limited extent to which Northern Ireland would remain relates to goods only.

Nigel Dodds: Agri-goods?

The Attorney General: Agri-goods, yes—goods only. So I would urge Members to consider the interests of the United Kingdom. I fully understand the elements of this agreement that are dissatisfactory to them.
Sir Christopher Chope (Christchurch) (Con): My right hon. and learned Friend told me that he believes that the European Union is refusing to allow a get-out clause on the permanent backstop, but he has also told me that he does not believe that the permanent backstop is sound in European Union law. Can this matter be resolved by a reference to the European Court of Justice in the same way that the European Court of Justice gave its opinion in relation to the relevance of the Lisbon treaty requirement that the EU should sign up to the European convention on human rights? When it gave its opinion on that, it said that it did not think it was compatible with the EU treaties, despite the fact that it had been signed up to in that particular treaty. Can something similar be done in this case to remove the uncertainty?

The Attorney General: There is nothing to prevent a case from being brought to the Court of Justice of the European Union on whether any agreement that is signed by the European Union is compatible with the treaties. But I would point out that, as I said earlier, the time at which the backstop becomes legally vulnerable, or most legally vulnerable, is the time at which it becomes, de facto, not simply temporary but permanent. It is at that point that the problem may crystallise in connection with the use of article 50 to conclude this agreement. The legal uncertainty about knowing whether the backstop would survive such a challenge is one of the factors, I believe, that will impel the European Union to conclude an arrangement with us in expeditious time.

Thangam Debbonaire (Bristol West) (Lab): It appears to me that the Attorney General is treating this House and everyone we represent with a great deal of indifference, at best, and contempt, at worst. So I have to ask him: at what point did he advise the Chief Whip that he would not comply with the terms of the Humble Address? Was it before, during or after the point at which this House expressed its will in support of that Humble Address requiring him to publish full advice?

The Attorney General: The decision as to whether a Law Officer’s advice, should any have been given, should be published is a collective decision of the Government. The Attorney General must consent, but first, it is a collective decision of the Government. I hope that that answers the question. I had no discussions with the Chief Whip on this subject. None was sought.

Vicky Ford (Chelmsford) (Con): As someone who was born in Northern Ireland, I hold the Belfast agreement as very precious, because it safeguards my birth right to be accepted as British or Irish or both. On 13 November, I listened closely when the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) changed his interpretation of the Opposition motion no less than three times. I thank the Attorney General for making it so clear that, in his view, the backstop is not a risk. On a totally separate issue, if we were in the backstop, would we have control of our fishing waters?

The Attorney General: I am grateful to my hon. Friend for her question. May I say candidly that I did not say it was not a risk? It is a risk, but, weighed against the other risks of utter chaos, losing our departure from the European Union on 29 March or the consequences of so grave a breach of faith with the people of this country as to ignore the outcome of the referendum, I believe it is a risk that we have to take.

Secondly, my hon. Friend asked about fishing. She is right that in the backstop, there would be no access to our waters other than that to which we agreed.

Catherine West (Hornsey and Wood Green) (Lab): The Attorney General has made many references to his passion for Unionism. What legal assessment has he made for different parts of the UK—for example, the devolved Administrations or regions of England—if the Northern Ireland protocol comes into being?

The Attorney General: The whole principle of devolution is that there will be divergences between parts of the United Kingdom that are governed by devolved Assemblies. Unfortunately, in Northern Ireland’s case, that devolved Assembly is not at present functioning. Were the institutions functioning, they may well have been given a central role in these matters, because Northern Ireland shares a land border with the European Union and therefore calls for special, specific measures rather than the same considerations that apply to other parts of the European Union.

Philip Davies (Shipley) (Con): The Prime Minister has said on many occasions that if we were to leave without a deal, we would not pay any money over to the European Union. The Chancellor has said on many occasions that we are legally obliged to pay the money over to the European Union. Can the Attorney General tell us what we are legally obliged to pay over to the European Union to leave, and which treaties he is referring to when he gives us that advice?

The Attorney General: The position on money is this. The view of the Government, and my view, is that we would have obligations to pay a certain amount of money were we to leave the European Union without a deal. The House of Lords European Union Committee concluded that there would be no obligation under EU law. That is a stronger argument—not necessarily an incontestable one—as to our obligations under EU law, but the Committee also concluded that we might have obligations under public international law, and with that I agree. There is an argument that we would not have an obligation under public international law, but it is an argument unlikely to be accepted by any international tribunal.

My view is therefore that we would owe a presently unquantifiable sum were we to leave the European Union without a deal. It is impossible at this stage to say how much. It is true that the European Union is not a member state and is not a state, and therefore it is unable to take the case to the International Court of Justice. It might therefore be difficult to enforce the public international law obligation that existed. However, I ask the House to reflect on the fact that if this country, acknowledging that such obligations probably exist or do exist, did not pay them, it would be likely to cause the deepest resentment, just as it would to any of us who were unpaid a debt. If we leave a club, we pay the bar bill. If we do not pay the bill, we are not likely to get a lot of consideration from the other side.
Diana Johnson (Kingston upon Hull North) (Lab): I wonder whether the Attorney General can help me. He has said that in exceptional circumstances, legal advice can be disclosed. He has also talked this afternoon about the unique and extraordinary circumstances we are in. What is the difference? Why are we not in exceptional circumstances?

The Attorney General: The Attorney General, by definition, is only called upon to advise on matters that are exceptional or in exceptional circumstances. The question here is what requires the advice of the Attorney General to be disclosed. In Lord Goldsmith’s case, the issue was whether the action of the Government was lawful. The action of the Government could not be taken if the Attorney General had not signed off on it, because it would be contrary to the ministerial code.

The circumstance here is that the House has available to it a wide range of highly competent legal advice that is just as good as mine and as those who advise me. There is nothing essential, I suggest to the House, about the advice of the Attorney General being disclosed in this case, but there is something that could lead to severe damage to the public interest. One hon. Lady on the Labour Benches said that I was being arrogant. I am not. I am trying genuinely to protect the public interest. The last thing I want to do is to be at odds with this House. I have been a Member for 13 years. I would very much like to ensure that the House is satisfied, which is why I am here today, answering these questions.

Robert Neill (Bromley and Chislehurst) (Con): I am glad that the Attorney General draws a distinction with the Iraq case. Surely the act of withdrawal from the European Union must be lawful, because it is authorised by statute in this case. As to his advice, is not the reality that any lawyer often has to advise as to the difference between a theoretical risk and a practical risk? Do I take it that his assessment is that the likelihood of a theoretical risk being crystallised—namely, because the European Union is prepared to breach international law by breaching the best endeavours and good faith clauses, and at the same time to risk breaching its own Union law by relying on article 50 to form a permanent arrangement, for which it is not envisaged for—is not a realistic one, and therefore he advises that we accept it?

The Attorney General: I am grateful for my hon. Friend’s question. As I have said, I think that there is unquestionably a risk. There is a legal risk because there is no unilateral means out of the backstop. The question is with what degree of probability one thinks it would arise. My view is that it is not probable, but other Members will have their own views.

Several hon. Members rose—

Mr Speaker: May I gently remind colleagues of the need for brevity?

Stephen Kinnock (Aberavon) (Lab): The Attorney General may be familiar with the terms of the so-called Norway-plus option, in which the United Kingdom would join the European economic area via the EFTA pillar and combine that with a customs union. Can he confirm that that arrangement would supersede the backstop, and in that case, the backstop would in fact fall away? Can he also confirm that it is possible to unilaterally come out of the European economic area via article 127 of the EEA agreement, so it enables a unilateral withdrawal?

The Attorney General: If an EFTA-style arrangement—of course, a country cannot belong to EFTA if it is a member of a customs union—with a customs union were introduced, I see no reason why it would not satisfy the stated objectives of the backstop in protecting the hard border and north-south co-operation. The hon. Gentleman asked whether the arrangement is terminable. I think it is terminable on 12 months’ notice, but I may be wrong. However, a customs union would fall to be negotiated specifically with the European Union, and one would have to insist upon such a termination clause in that union. That would be a question of agreeing it with the Union.

Andrew Bridgen (North West Leicestershire) (Con): Does the Attorney General agree with Dr Carl Baudenbacher, the recently retired president of the EFTA court, who said, “This is not a real arbitration tribunal—behind it the ECJ decides everything. This is taken from the Ukraine agreement. It is absolutely unbelievable that a country like the UK, which was the first country to accept independent courts, would subject itself to this”? But that is the Attorney General to be disclosed. In Lord Goldsmith’s case, the question here is what requires the advice of the Attorney General being disclosed. He has also talked this afternoon about the unique and extraordinary circumstances we are in. Why is this case different?

The Attorney General: I do not accept that characterisation because, in any event, the only things that can be brought before the tribunal are systemic, operational issues to do with the management of the agreement by both sides. The Court cannot get involved, once the winding down has taken place, in the resolution of individual disputes between the citizens and businesses of this country. Members really must understand that. It will be over: the ECJ’s jurisdiction will be finished once the winding down takes place. This is an entirely different situation to resolve disputes between the state of the United Kingdom and the European Union. Where we have agreed to apply European Union law, it makes perfect sense that the EU Court should interpret it, and then it should be applied by the arbitral tribunal. I have to say to my hon. Friend that I see no real fundamental objection to it.

Ian Murray (Edinburgh South) (Lab): There is another strong constitutional principle in this House—that if a motion is brought before the House that the Government disagree with, they use their majority to vote it down. In this case, they did not. It is not in the national interest; it is in the Government’s interest not to produce this legal advice. Will the Attorney General tell the House what legal advice he will give the Cabinet, the Government or, indeed, himself about the principle of not abiding by the will of this House?

The Attorney General: It is not such a matter. I must ask the hon. Gentleman to accept that it is not a matter of the Government’s interest. It is a matter of the public interest of this country through a fundamental convention and principle.

Ian Murray: That was not my question.

The Attorney General: Well, that is what I understood the hon. Gentleman to have asked. With respect, I simply cannot accept that this is being done to protect the Government. It is not; it is being done for one reason only—the public interest. The question for this House is whether the Government, who are trying to...
[The Attorney General]

protect the public interest, or any individual member of the Government are being contemptuous of the House, when they are driven—he is driven—to this position by a firm and conscientious conviction that it is contrary to the public interest.

Mrs Anne Main (St Albans) (Con): May I suggest that when the Attorney General argued to the right hon. Member for Belfast North (Nigel Dodds) that the differences were merely niggling and almost invisible that that is a bit like suggesting someone is a little bit pregnant? This is a sell-out in terms of the Union, and at what point is our Prime Minister’s pledge that we would not make separate arrangements for any country in the Union going to be sold out, in his argument, in the national interest?

The Attorney General: I do not agree with my hon. Friend that this is a sell-out. There is no question but that aspects of it that are both undesirable and unsatisfactory, but this backstop need not ever be triggered, and if we are in, I am confident that we can emerge out of it. It will also produce significant benefits for the people of Northern Ireland—let us not forget that—were it ever to be engaged.

Chris Williamson (Derby North) (Lab): Many commentators and hon. Members believe that the Attorney General is in contempt of Parliament. If that is indeed the conclusion of Parliament, I understand the penalty could include expulsion from this place. Is the Attorney General prepared to be expelled for standing by his refusal to provide the details of the advice he has given, which has been voted for by this House?

The Attorney General: I hope the House will reconsider the position. I hope that it will understand that no Attorney General and no Government would wish to place themselves—and certainly not I as Attorney General—in contempt of the House. There is simply nothing of that in my desire or wish, and I would not take this position if I did not feel that that was contrary to all our interests. I stand before the House fully understanding the nature of its concern, not to say indignation; I accept that. It is a deeply unsatisfactory position for any Attorney General or Government to be in.

I am truly sorry that I am not in a position to disclose either the fact or the content of my advice. However, I am doing so not to frustrate the legitimate interests of the Members opposite or Members behind me, but rather and only because I do believe it is against the public interest at a time when we are negotiating and at a time when this involves advice to a Cabinet or might well involve advice to a Cabinet that must, for reasons of fundamental principle, be kept confidential.

Several hon. Members rose—

Mr Speaker: Order. I do wish I could encourage Members to compete on brevity with the right hon. Member for New Forest West (Sir Desmond Swayne), who is, frankly, in a league of his own and untroubled by any close rival. Let that situation change. I call Crispin Blunt.

Crispin Blunt (Reigate) (Con): I doubt it, Mr Speaker. The Attorney General has made it clear that the provisions about the backstop are to address having no hard border and that there would have been no agreement without these backstop provisions being in the agreement. When we are making our political judgment about the potential permanence of or the reasons behind the backstop, what credence should we give to the fact that, although WTO terms suggest there would be a hard border, there is the potential for a waiver under WTO article 9.3 and there is the potential for a national security waiver under article 21? Given that the EU and the Republic have both said they would not put up a hard border, what conclusion are we to come to about their good faith and best endeavours?

The Attorney General: My hon. Friend must understand that we cannot look at this simply as a question of the traffic of goods between the Republic and Northern Ireland. The stated objectives are to protect in all its dimensions the integration that has taken place between Northern Ireland and the Republic—in health treatment, in education, in cultural activities—and all these activities are to be protected. The Government of the United Kingdom have made a solemn and good faith pledge to the Republic of Ireland and to the European Union that they will preserve that integration in the interests of the people of Northern Ireland. What we have to do is find a way of doing so that is consistent with the interests of the Union and of the United Kingdom. The backstop is a temporary solution. We will find another, and it will not, except by the consent of the Stormont institutions, have the same problems that the backstop has.

Ian C. Lucas (Wrexham) (Lab): What is the Attorney General’s authority for the proposition that the opinion of a single Member of Parliament, however eminent, can override a decision made by the House of Commons?

The Attorney General: I think I have made it plain that I am not seeking to suppose that I can override the decision of the House of Commons. The House has at its disposal—[Interruption.] Hear me out. The House has at its disposal the means by which to enforce its will. It can bring forward a motion of contempt, seek to have that motion passed and seek, through the Committee of Privileges or whichever way it is appropriately done, to impose a sanction. I fully accept that. I do not set myself up contrary to the House; I simply say that I cannot compromise the public interest, and if I had my personal desire—

Ian C. Lucas indicated dissent.

The Attorney General: The hon. Gentleman is shaking his head. Why would he not believe me? Does he think I want to be in this position? Does he really think that if there were not some fundamental bar of principle against my disclosing anything I might have given to the Government, I would not immediately volunteer it to him and all hon. Members opposite? I am only doing it to protect us.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I must press the Attorney General on the answer he gave to my hon. Friend the Member for Shipley (Philip Davies)
on his legal advice about how much we actually do owe the European Union. How can he expect us to vote for this deal if he cannot give us his legal opinion about what we specifically still owe it? Is some of this money going on good will for the possibility, maybe, of a trade agreement?

The Attorney General: There is a formula in the agreement for the calculation of our obligations, but it depends on others’ contributions, what particular programmes there are and whether they spend particular sums of money. There is a series of variable factors, which is why we cannot give a firm, clear and precise figure. If my hon. Friend is referring to what may be due after no deal, that would depend on a series of arguments that would be untested except in a court.

Chris Bryant (Rhondda) (Lab): Oddly, I had more sympathy for the Attorney General before today, because he has pushed the House into this situation. He knows perfectly well that the Government chose not to oppose the motion; they accepted it. It is the will of the House. He is, in effect, pushing us to say that he is in contempt of Parliament, because at some point, surely even a Government have to bow the knee to Parliament.

The Attorney General: Suppose there was advice, and suppose the advice contained—this is a hypothetical situation— Interruption / Well, the same principle applies. Suppose the advice contained information, facts or considerations of the most acute significance for the national interests of this country.

Chris Bryant: Oppose the motion.

The Attorney General: But one might lose the vote. What then? No Minister could go ahead and harm the nation merely because of a resolution, when the House had not seen the document. In court, there is a mechanism for weighing this, but the House has not seen the document. The motion for a return was traditionally always confined to public and official documents.

Chris Bryant: In previous editions of “Erskine May”.

The Attorney General: That is because this procedure has been reinvented recently. The truth of the matter is that the House has no power to command documents that are not public and official. That is the constitutional question that the House needs to grapple with.

Charlie Elphicke (Dover) (Ind): May I congratulate my right hon. and learned Friend on the passion with which he has made his submissions to the House today? In the light of his advice, would it be reasonable for the House to invite the Prime Minister to go back to Brussels and ask for termination of the backstop either on a given date, or after the passage of a certain amount of time?

The Attorney General: As my hon. Friend knows, that is not a legal question. We have reached a deal. The House must make a judgment on this deal. If it had been possible to secure a unilateral right of termination, it would have been secured. It was not secured because the European Union asked for an absolute guarantee at the Northern Irish border, but has said that it is temporary; that is written into the agreement. It may well be that the word “temporary” is not enforceable, in the sense that this will subsist even in the event of negotiations breaking down, but that is a clear indication that the backstop cannot subsist forever; and, in my view, as a matter of European Union law, it cannot.

Kevin Brennan (Cardiff West) (Lab): This was not just any motion; as the right hon. and learned Gentleman says, it was a motion for a return to release papers under parliamentary privilege. There are two reasons why he is wrong: first, he says of his advice, “There's nothing to see here,” yet he is trying to argue that by releasing it, he would somehow breach considerations of national and public interest. Secondly, under the ministerial code, he can voluntarily release advice in exceptional circumstances without breaching any considerations of national interests, or any of his deeply held principles. Why does he not follow that logic and do the right thing?

The Attorney General: The existence of very rare examples of the Attorney General’s advice being disclosed does not mean that the power ought to be exercised in this case. In the Goldsmith case, it was disclosed two years after the event. We are in the middle of a negotiation.

Kevin Brennan: We have finished the negotiations.

The Attorney General: No, we have not. The future declaration is to be negotiated, and many of the same arguments will apply.

Mrs Kemi Badenoch (Saffron Walden) (Con): Further to the comments of the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) regarding the customs union, will my right hon. and learned Friend confirm that the future declaration guarantees that the UK will have an independent trade policy, and consequently that our future relationship will not be in the customs union?

The Attorney General: I am most grateful to my hon. Friend for that, because it is an important consideration. There are two things of real significance—certainly of real prominence—in the political declaration. First, the European Union has accepted that the final arrangement will involve an independent trade policy. One cannot have an independent trade policy and belong to a conventional customs union. Secondly, there will not be free movement; one cannot belong to the single market without subscribing to the four freedoms, so those set the outer boundaries of any deal that will be done.

Geraint Davies (Swansea West) (Lab/Co-op): The European Union (Withdrawal) Bill empowers the Prime Minister to submit an application under article 50 based on an advisory referendum. If that referendum is found to be illegal, and based on lying and cheating, surely it follows that the advice from that referendum is flawed and that the Prime Minister should withdraw that application. The same would go for a general election result; such findings would require another election.

The Attorney General: I hope I heard the hon. Gentleman’s question correctly. I hope he will forgive me—I could not quite hear; other voices were speaking. If the question was on the nature of the referendum
result and the suggestion that it was procured by some sort of fraud, I do not agree with that. In any event, a case on that is pending in court, so it would be wrong of me to make any substantial further comment on it, but the policy of the Government is that the referendum result must be honoured, and that is what will happen.

Chris Philp (Croydon South) (Con): The terms of our EU membership say that we have the right to leave unilaterally under article 50. We also have the right to leave the unrelated European convention on human rights. What explanation and assurance can the Attorney General give the House as to why, under the proposed arrangements, we do not have those two rights?

The Attorney General: As I have explained, a unilateral right of termination would be inconsistent with a backstop, which is a guarantee that in circumstances where there is not a deal, or during the negotiations for a deal, there will be no hard border, and there will be protection of north-south co-operation. That backstop has to exist, or there will be no deal. As to the ECHR, that is already protected by the Belfast agreement; it is embedded in that agreement, and would have to be preserved for that reason.

Martin Whitfield (East Lothian) (Lab): In paragraph 42 of the right hon. and learned Gentleman’s notes, he confirms that “During any extended implementation period...the UK would not be part of the Common Agricultural Policy”.

This will, of course, have an effect on Scotland. Can he confirm what legal advice was given with regard to the devolved Government coming out of the common agricultural policy in an extended implementation period?

The Attorney General: The CAP is dealt with by the Department for the Environment, Food and Rural Affairs, and I have no doubt that Government lawyers will have given it advice. I am afraid that I am not in a position to assist the hon. Gentleman with any specific advice on that question at the moment, but I am happy to write to him about it.

Richard Drax (South Dorset) (Con): We have heard of the will of the House tonight; what about the will of the people? They voted to leave the EU in its entirety, not to be half in, half out. I thank my right hon. and learned Friend for his legal advice today, but it is full of ambiguity, as I fear the political interpretation could be in future. This will not breed confidence in our nation.

The Attorney General rose—

Mr Speaker: I invite the Attorney General to insert the question mark that I think the hon. Member for South Dorset (Richard Drax) might have intended.

The Attorney General: I was puzzled as to what I was to answer. I disagree with my hon. Friend. We will leave legally on 29 March. To get back, we would have to apply for accession under article 49. We will be in a fundamentally different position on 30 March, if we can get there—and we have to get there, because that will honour the verdict given by the British people on 23 June 2016. The best way of ensuring that we do that, whatever the unsatisfactory elements that I accept are involved in this deal, is to take the key to the door of the cell, and get out on 29 March. This deal is the best means of doing that.

Jim Shannon (Strangford) (DUP): In the Attorney General’s somewhat bombastic responses to hon. Gentlemen and hon. Ladies, he has not addressed the issue to which my right hon. Friend the Member for Belfast North (Nigel Dodds) referred: the backstop down the Irish sea. Will he outline the legal implications of Northern Ireland entering into a customs union with no voice or vote for an indefinite period of time, which to all intents and purposes would create a united Ireland without the mechanism of a border poll, a vote called for within the Belfast agreement?

The Attorney General: The hon. Member puts his finger on something that I do regard as being one of the undesirable features of the backstop, which is that there will be rules passed relating to goods. The trade in goods is a narrow field of human and public life, but rules will be passed and the people of Northern Ireland will not have the right of representation in their passage. That is why I think it is essential it should be temporary, why we must strive to make it so, why the extension of the implementation period is a real option in those circumstances, and why I believe, for the reasons I have already given, we can avoid it or avoid it being of any great length.

Robert Halfon (Harlow) (Con): Will my right hon. and learned Friend publish not the whole legal advice, but the legal advice on why we have to give £39 billion to the European Union? He mentioned that there could possibly be an extension to the transition period. Will he set out our legal financial obligations if we do extend the transition period?

The Attorney General: There would be financial obligations for extending the implementation of the transition period. They would have to be negotiated at the time. The Joint Committee would consult on them, and it would reflect a reasonable proportion or contribution for the period for which we were signing up. In relation to any advice connected with the £39 billion, again my right hon. Friend will understand that I am not at liberty to disclose advice the Government may have received on that matter. I can say that there has been very widespread commentary and discussion on it. I commend to him, for example, the House of Lords European Union Committee.

Alex Norris (Nottingham North) (Lab/Co-op): In attempting to prop up this failing deal, the Prime Minister has reached out to those of us on the Opposition Benches and asked for our support. Does the Attorney General not think that it is a bit rich to ask for our support, given that we will not even be given the courtesy of compliance with the will of this House?

The Attorney General: I have said why. I truly wish that we were not in this position and the Government were not in this position. [Interruption.] I do believe it. I do not know what the hon. Member for Cardiff North (Anna McMorrin) is saying. If I did not believe it, I would not be here now saying what I am saying. It is
contrary to the public interest; I would be damaging the public interest if I took this decision. I am here to answer the questions of Opposition and Government Members as frankly and candidly as I can. Nothing that I advise today will be different from any other advice that I may or may not have given.

Maggie Throup (Erewash) (Con): Can my right hon. and learned Friend reassure me, as someone without any legal background at all, that I have interpreted the lawyer-client relationship correctly: that it allows for the lawyer to provide impartial and proper legal advice unencumbered by political consideration? Does this convention hold true in relation to the issue we are talking about today?

The Attorney General: Yes. My hon. Friend is absolutely right. No lawyer would be worth his salt or any use to his client if he allowed his personal or political views to affect his judgment on matters of law.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The Attorney General has been vehement in his assertion that the release of this information would be detrimental to the public interest. Is it therefore not a matter of regret to him that his Government have not had the basic virtue of consistency in their approach to the Humble Address? Now that contempt proceedings have been initiated by submitting a letter against the Government, what is his legal advice to the Government going to be?

The Attorney General: I am afraid I cannot disclose the latter without committing the very sin that I am trying to prevent. Does the hon. Gentleman ask me whether I regret that? Let me be frank: yes, I do. We should have opposed the motion—of course we should have. We should have voted against it. All I can say is that if we had lost on a contested vote, we would be in exactly the same position as we are now in.

Alex Chalk (Cheltenham) (Con): If we found ourselves in the backstop, we might seek to argue that the European Union had not acted in good faith and had not used best endeavours. Who would appoint the body that would adjudicate on that dispute, and how could we be satisfied that we were going to get a fair hearing?

The Attorney General: The governance provisions, set out between articles 167 and 181, provide for 25 independent arbitrators, who are not members of any member state of the European Union or belong to the United Kingdom, to be appointed by both sides as a panel from which an arbitral tribunal can be selected. Ten are to be proposed by the United Kingdom and 10 by the European Union. Five chairmen are then to be proposed by each. If the parties are unable to agree, when a tribunal is formed two are appointed by the UK and two are appointed by the EU. Those four then choose the chairman. If they are unable to decide on a chairman, the permanent court of arbitration will appoint by lot.

Sandy Martin (Ipswich) (Lab): Can the Attorney General tell the House whether he conveyed to the Government Chief Whip, directly or indirectly, his determination not to comply with the Humble Address before the decision was taken not to vote on it?

The Attorney General: I had no discussions with the Chief Whip about the decision to vote or not to vote on this matter. I hope that answers the hon. Gentleman’s question. [Interruption.] Forgive me, Mr Speaker. If I have omitted part of the question, I wonder if the hon. Member could put it again.

Mr Speaker: Order. The Attorney General is perfectly at liberty to answer as he thinks fit. He looks quizzically. I say this only by way of interpretation: I think the hon. Gentleman asked whether the right hon. and learned Gentleman had conveyed his views about this matter, directly or indirectly, before the vote on the motion about which we have been speaking this evening. He indicated that he had not spoken or conveyed his views directly. I think the quizzical attitude related to whether there was any indirect communication.

The Attorney General: No.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): My current understanding is that if there is no deal, we will leave with no backstop on 29 March. If the EU and the Republic of Ireland have been content effectively to have a “leave without backstop with two years’ notice period” situation until now, what does the Attorney General think has changed that makes it unacceptable to them now? What does he consider their motivation for that to be? As an aside, can the Attorney General confirm that in extremis the Vienna convention can be used to allow treaties to be broken?

The Attorney General: The purpose of the backstop is to give the people of Northern Ireland and the Republic the confidence of knowing that there will not be any retreat from the current integration that has taken place between them over the past 20 years. That is a solemn commitment that is in the interests of Northern Ireland, as well as the Republic of Ireland. The question is how to achieve it. In the interim before another solution is found, which I firmly believe we shall find, this is the solution that would perhaps we ever to have to use it. As to the Vienna convention, there is no provision in the Vienna convention that allows us to terminate a treaty that has no termination clause and that is plainly intended to subsist until another event takes place.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): I hoped today that we would have clarity of thought and calmness of expression, so that we would be all informed on the matter on which we are due to vote next week. I can say that we have not had that. We have had bluster; we have had posturing; and we have had a very clear contradiction. On the one hand we are told that there is nothing to see here, but on the other hand we are told that it would be against the public interest to release information. My question is this: if the House does not have confidence in the Attorney General to deliver the advice in the way that we think is needed, is there any route in the constitution, via the Leader of the House or elsewhere, for us to get alternative, independent legal advice straight to Parliament?

The Attorney General: I am very sorry the hon. Member feels that. If I have expressed myself intemperately it is simply because of the questions that I have been asked.
I am trying to convey, obviously unsuccessfully, the fact that I am here to justify or to seek to defend this position only because I believe in the public interest. That is the reason why I am saying what I am saying. On all points of law on which I have been asked, I have given my best judgment, my fullest judgment and my starkest judgment about what the situation truly is—as I would give to anybody, including the Government. I assure him that that is the case. That is the complete and full truth. I have given, absolutely candidly, the legal views that I hold on this matter.

Robert Courts (Witney) (Con): I am very grateful for the Attorney General’s indication that article 50 does not provide a legal basis in Union law for permanent future arrangements. Will he give his view on the concern that it might none the less be a basis for arrangements that prove to be indefinite?

The Attorney General: No, I do not believe that that is the case. Once it became de facto the subsisting and permanent arrangement, in that there was no prospect of agreement because negotiations had broken down, it would be severely vulnerable to challenge, because it is widely understood that article 50 cannot be a proper basis for any sort of permanent or enduring arrangement. The fact of the matter is that it would be extremely vulnerable to legal challenge.

Points of Order

6.50 pm

Nick Thomas-Symonds (Torfaen) (Lab): On a point of order, Mr Speaker. I seek your guidance regarding how the House should proceed in pursuing the publication of the advice provided by the Attorney General to the Cabinet. It is clear to Opposition Members, and we believe to the overwhelming majority of the House, that the document provided does not constitute the final and full advice provided by the Attorney General to the Cabinet. More importantly, this does not comply with the motion of the House that you have ruled to be effective. Indeed, I suggest that in the course of his statement, the Attorney General has been quite open about the fact that he is not complying with the motion based on his belief that it is not in the national interest to do so.

My right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), the shadow Brexit Secretary, along with the Scottish National party’s foreign affairs and Europe spokesperson, the Liberal Democrat spokesperson on Brexit, the Deputy Leader of the Democratic Unionist party, the Plaid Cymru spokesperson on Brexit and the leader of the Green party in Parliament, have this afternoon written to you asking whether you would consider giving this House, at the earliest opportunity, the chance to debate and resolve whether this is a matter of contempt. It is clear to me that the Government have taken an unprecedented decision not to comply with the unanimous and binding decision of this House. Instead, they seem to be playing for time, hoping that contempt proceedings take longer than the timetable for the meaningful vote. But we as a House cannot allow that to happen. I therefore ask you to set out how we should proceed to resolve this vital matter.

Mr Speaker: I am grateful to the hon. Gentleman for his point of order and for his characteristic courtesy in giving me advance notice of his intention to raise it—[Interruption.] I shall ignore the sedentary chuntering, which is undertaken for no obvious benefit or purpose. I have only just seen the letter to which the hon. Gentleman refers. I shall give it immediate attention when I leave the Chair. Having sat through these exchanges, I intend to come to a rapid decision, which I will convey to the House before it rises tonight, or, if that proves impossible, at the earliest opportunity tomorrow. I hope that that is helpful to colleagues.

The Attorney General (Mr Geoffrey Cox): On a point of order, Mr Speaker. As I indicated during the course of the debate, I had concluded, and I think mentioned, that I will be writing to you this evening, setting out the Government’s proposals in connection with this matter. I wonder if I could invite you to consider that letter, as I am sure you will, in due course this evening.

Mr Speaker: Well, I await—[Interruption.] Order. I note what the Attorney General has said, and, of course, I shall be interested to see any letter that he chooses to send to me. It is important that this matter is dealt with in a timely fashion. That is a highly relevant consideration for me to take into account, but I have heard, with respect, what the right hon. and learned Gentleman has said, and I wait to see what emerges.
Robert Neill (Bromley and Chislehurst) (Con): On a point of order, Mr Speaker. The letter that the hon. Member for Torfaen (Nick Thomas-Symonds) referred to touches upon a most grave matter in any view to all Members of the House. Is it either in order or courteous that the text of that letter should have been released to a journalist who has then put it up on Twitter? I know that that was because of the journalist, but was it in order for hon. Members or those acting on their behalf to release it before you were apparently aware of it or had had the chance to consider it and rule on it?

Mr Speaker: It is always best if letters sent to me are received and seen by me before they are seen by others, but I will address the substantive responsibility that is invested in me—that is frankly a different and on the whole rather more important matter, but I always treat the hon. Gentleman and all Members with courtesy. I note what he said and I issued my response in the first sentence of my reply to him.

Mrs Anne Main (St Albans) (Con): On a point of order, Mr Speaker. As usual, you have called every Member of the House who wished to ask a question, but the convention of the House is that we have no rebuttal or right to come back on any questions asked. Given that the Attorney General said that he was happily going to answer any questions, as someone with no legal background I feel that I have had to play guess the question of what we may need to know that we have not been able to ask. Would it be in order for the House to table a series of questions to be answered—anything that they would have liked to put to the Attorney General, but did not get the opportunity to ask—and for those to be answered as quickly as possible to give us more information than we could glean today?

Mr Speaker: Let me say in all courtesy that I am not sure, given the pressure of time, of the practicality of the arrangement that the hon. Lady is advocating. For the avoidance of doubt, however, let me say to her that I have no reason to doubt either her legitimately insatiable appetite for interrogation—a very proper appetite in a committed parliamentarian, which she is—or indeed, that of the Attorney General to respond to questions. Therefore, in an ideal world, I would be quite open to the idea that there could be further questioning. As the House will know, I am an unusual fellow—I enjoy few things more than listening to my colleagues asking questions and Ministers answering them, which is probably quite useful really, given that that is what the Speaker of the House is expected to do. However, we have come up against the matter of practicality, and although the hon. Lady may now have her head filled with questions that she wishes she had asked, but has not done so, we have to progress and expedite matters. I hope that she will feel pleased that she has at least asked a question, and she can make her own assessment as to the quality of the answer. If, separately, she wishes to beetle up to her right hon. and learned Friend the Attorney General, I feel sure that she will be greeted with the courtesy that he invariably displays.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): On a point of order, Mr Speaker. We have all had sight of the copy of the letter that has been sent cross-party to you. In the light of the letter that is due to follow from the Attorney General to you, will we also have a copy of that?

Mr Speaker: I feel sure that that will be so.

The Attorney General indicated assent.

Mr Speaker: The Attorney General is nodding his assent to that proposition. Just to be clear, the hon. Gentleman is asking whether he can have sight of the Attorney General’s letter, and I think that the Attorney General is signalling that the answer to that is yes.

The Attorney General indicated assent.

Chris Bryant (Rhondda) (Lab): On a point of order, Mr Speaker. This is a completely different issue.

Mr Speaker: Oh, very well—it is completely different, I feel sure.

Chris Bryant: Because you are a cerebral fellow, Mr Speaker, you will know that on 30 October, I asked the Foreign Secretary why the Magnitsky provisions of the Sanctions and Anti-Money Laundering Act 2018 had not yet been implemented. He said in the Chamber that it was because we were members of the European Union and we cannot implement sanctions of our own until we have left. He repeated this the next day in the Foreign Affairs Committee, but a week later, the permanent under-secretary at the Foreign Office said, “No, it’s nothing to do with that—it’s because we do not have any time to draft the statutory instruments.” The Prime Minister today returned to the original advice that was provided by the Foreign Secretary. The legal advice that has been provided to the Committee by the Clerks of the House was that actually there is no reason why we cannot introduce our own sanctions, because we did so back in 2011. I just wonder where I could get definitive legal advice from and whether you think, considering that the Foreign Secretary said on 30 October that he would write to me, that sufficient time has passed for me to have had a reply.

Mr Speaker: First, I recall the hon. Gentleman’s inquiry. I would not have been able to pinpoint the date—I advise those attending to our proceedings outwith the Chamber—as I do not have that level of anorakish recall of his parliamentary contributions, but I do recall the fact of the question being put. It made an impression on me, as does so much of what he says. Secondly, as a matter of principle, the Foreign Secretary ought by now to have replied to a request of that date—if it was of that date—from the hon. Gentleman. Thirdly, as a matter of practicality, I say that it is somewhat unwise for a Minister—in this case, apparently, the Foreign Secretary, an extremely experienced and dextrous, as well as courteous, parliamentarian—not to have replied to the hon. Gentleman by now, for failure to provide one was bound to invite excoriation. The Foreign Secretary will now be on the receiving end of that as soon as he learns of the hon. Gentleman’s point of order. I hope that on all three counts I have brought some happiness into his life.

Barry Gardiner (Brent North) (Lab) rose—
Helen Goodman (Bishop Auckland) (Lab) rose—

Mr Speaker: I will come to the Front-Bench spokesperson first, but we must try to bring matters to a close shortly.

Barry Gardiner: On a point of order, Mr Speaker. I would like to raise a point of order regarding a response I received from the Minister for Energy and Clean Growth at the last Business, Energy and Industrial Strategy oral questions. I asked the Minister why a roundtable with all the key fracking companies that she held on 21 May had not been declared on the transparency register. In response, she claimed that her officials did not disclose the meeting of 21 May because “the ministerial code does not require Ministers to disclose meetings that they drop in on, as opposed to host in their office”—[Official Report, 20 November 2018; Vol. 649, c. 715.]

I have searched the ministerial code and can find no reference to a difference in disclosure requirements such as the Minister suggests.

It would also appear that the Minister’s involvement in the meeting may not have been as casual as she suggested. During a Westminster Hall Debate on 10 July 2018, the Minister in fact claimed:

“I did hold a very effective shale industry roundtable”—[Official Report, 10 July 2018; Vol. 644, c. 284WH.]

A freedom of information request querying the nature of that roundtable received a letter in response where the Department stated that this was indeed “the Shale Roundtable that the Minister of State hosted on 21st May 2018”.

By the Department’s own admission, this was a meeting the Minister had hosted, rather than dropped in on. The agenda of the meeting was also released under the FOI request. It reveals the extent to which the Minister was present. The roundtable began at 1 pm and finished at 2.35 pm, lasting 95 minutes, and the Minister was present for at least 70 minutes. I contend that this would not, in any reasonable opinion, constitute dropping in on a meeting. I seek your advice, Mr Speaker. Has any request come from the Minister seeking an opportunity to come before the House to correct the record?

Mr Speaker: That is extremely interesting information, and I am very grateful to the hon. Lady. I feel sure that she feels that she has done the House a signal service.

Chris Bryant rose—

Mr Speaker: Oh, very well, but it must be very brief. I feel that the hon. Gentleman will tax the patience of the House.

Chris Bryant: Further to that point of order, Mr Speaker. If what my hon. Friend says is true, the Prime Minister this afternoon inadvertently misled the House and must have an opportunity to apologise and correct the record.

Mr Speaker: If anybody has inadvertently misled the House, that person must correct the record, but I hope the hon. Gentleman will accept that I do not think it incumbent on me now to act as arbiter of whether it happened. The issue has been given a full airing. Both hon. Members are very experienced, are not backward in coming forward and can pursue this matter either through the use of the Order Paper or by other means in the days ahead. I do not in any sense seek to deny them the opportunity to do so.

If there are no further points of order, if the appetite has at last been satisfied—it is very important that Members have the opportunity to express themselves—we can now proceed. The Minister looks very relieved about that.
Crime (Overseas Production Orders) Bill [Lords]

Second Reading

7.5 pm

The Minister for Security and Economic Crime (Mr Ben Wallace): I beg to move, That the Bill be now read a Second time.

As a simple soldier, it is nice to follow a debate full of so many learned colleagues. I have sat in wonder at the lawyers and their questioning over the last two and half hours. It was incredibly generous of the Attorney General to give so much of his time and to answer so many of my colleagues’ questions. I fear that we cannot normally afford lawyers for that long, but I hope the House managed to get to the bottom of it all.

This year, Dr Matthew Falder was sentenced to 25 years in prison. His charges included 137 offences of encouraging child sexual abuse, blackmail, forced labour and possession of indecent images. He tricked his vulnerable victims into sending him images of themselves naked or partially clothed and then blackmailed them into sending increasingly sickening images. He traded these abuse pictures on “hurtcore” forums, whose users revel in controlling and inflicting pain on victims. These hurtcore sites—hidden dark web forums—are dedicated to the discussion, and the sharing of images and videos, of rape, murder, sadism, torture, paedophilia, blackmail, humiliation and degradation. Long delays in getting vital evidence to our law enforcement agencies help people such as Dr Matthew Falder to continue abusing vulnerable children. It is our duty to protect victims from people such as him as quickly as possible.

The Bill is a straightforward piece of legislation designed to remove the bureaucratic barriers we currently face in investigating and prosecuting serious criminals when evidence is held by companies based outside the UK. The Bill provides a new route to allow law enforcement agencies and prosecuting authorities quick and efficient access to electronic data held by overseas communication providers. As I am sure hon. Members are aware, communication service providers are increasingly based outside the UK, and although we can currently access data held or controlled by these providers using mutual legal assistance channels, these processes are often long and bureaucratic, delaying serious criminals being brought to justice. In some cases, that even leads to investigations being abandoned.

Under MLA, there are several obstacles to overcome before law enforcement agencies can obtain data for use in an investigation. The requests must go through both countries’ executing authorities and both countries’ central authorities before getting to the relevant CSP. It can take anything from six months to two years to receive what could be vital evidence, meaning that the prosecution of criminals such as child sexual abusers can be severely delayed, in which time they can continue abusing. Indeed, less than 1% of child sexual abuse content stored online is hosted on UK platforms, meaning that 99% is hosted on platforms owned by companies overseas. The Bill will ensure that law enforcement officers and prosecutors can more effectively investigate and prosecute these horrific offences, so that children in all our constituencies can be kept safe.

Officials in the Home Office have been working closely with operational partners to understand the scale of the problem. Child exploitation and abuse is a very real, very serious and growing epidemic. The National Crime Agency received more than 80,000 individual referrals of horrific online content from the tech industry in 2017, a 700% increase since 2012. In 2014, the NCA made more than 1,600 referrals to UK police forces following tech companies highlighting horrific online content. After just three years, in 2017, the figure rose to nearly 10,000. The agency estimates that in the UK a minimum of 66,000 to 80,000 individuals present some kind of threat to children. In one operation, it worked with overseas partners to take down a site that contained more than 100,000 videos of child sexual abuse material that had been downloaded more than 1 million times.

All the case studies that I have been given make chilling reading. There are examples of people abusing children online—people whom our agencies struggle to identify and prosecute because of the delays in accessing the data that they need. It is our duty to do something about it and to protect those who are vulnerable online. Of course, online crime goes beyond child sexual abuse. Electronic messages in the form of texts or emails can incriminate arms dealers, drug traffickers, people traffickers and those involved in other types of serious crime, including terrorism. We must ensure that our laws reflect the modern, technological world in which we live.

The overseas production order process offers a much simpler and quicker alternative to MLA for obtaining certain types of electronic data. An overseas production order could be served directly on the relevant overseas CSP rather than via that country’s courts and central authority, which means that our law enforcement agencies and prosecutors will be able to gain access to the data that they need in a matter of days or weeks rather than months or years. The orders will operate in a similar way to domestic production orders. To that end, the Bill was designed to reflect existing domestic legislation as far as possible. Of course, the necessary stringent safeguards will exist to govern access to the data. That includes a requirement that UK courts must be satisfied that the data is of substantial value to the investigation or proceedings, and that there is a public interest in its being produced before an order can be granted.

For the power to make an overseas production order to be available, a relevant international agreement needs to be in place. We envisage that the first agreement will be with the United States, given that a large majority of CSPs are based in North America. Parliament will have an opportunity to scrutinise each international agreement properly and thoroughly before it is ratified in the usual way.

Members of the other place have already expressed their broad support for the Bill, but a non-Government amendment was made to clause 1(6), on international agreements. As it stands, the subsection is technically deficient, because it refers to data that the UK provides “under this Act”. The Bill is only about the UK’s outgoing requests for data from overseas providers, so the UK would not be providing data under it. Because that subsection would not achieve what the Government understand to be the Opposition’s intended effect, “this Act” will need to be amended to “the Act”. I have listened carefully to the arguments advanced by Members of the Lords, and I look forward to working with Members of this House to address their concerns.
Members may accept that bureaucracy is sometimes a necessary evil, but when electronic data could be obtained in a much quicker way and further criminal activities could be prevented, it needs to be reduced. The overseas production order process, together with the international agreements that will underpin it, will remove the unnecessary bureaucratic delay that currently exists in accessing the same electronic data through MLA.

Delay extends the investigation when someone has molested children. Delay leads to continued offending, and those children continue to be abused. Delay leads to serious criminals absconding before they can be brought to justice. Delay could even lead to our law enforcement agencies and prosecutors issuing fewer MLA requests to seek evidential data as they lose faith in the system, and thereby failing to pursue these vile criminals. We do not want to end up in that position: such delay is unacceptable. That illustrates why the Bill is so important, and the heavy price that we continue to pay every day without it.

Mr Jim Cunningham (Coventry South) (Lab): Other countries are guilty of delays—indeed, long delays.

Mr Wallace: Under the current system, we present an MLA to a country’s central Government authority, which will take it to that country’s courts. Once it is out of our hands, the pace will be that of the country concerned. Its courts will recognise the order and enforce it against the CSPs overseas, which are predominantly in the United States—for instance, Facebook and Google—and will then bring it back to us. That whole process involves many bureaucratic delays. For instance, there is the time that it takes for the case to go to the central authority and then to the courts, and the time that it takes for the volume of the orders to be decided, and sometimes challenged, in the courts. We are simply seeking to introduce a system whereby our police go to a court in the United Kingdom, the court makes the order, and the international treaties allow our orders to be recognised by overseas CSPs.

Mr Cunningham: May I pursue the point a little further? Can the Minister give us a rough idea of the timescale, and what the delays actually cost?

Mr Wallace: As I have said, some of them have gone on for years. Some cases are still sitting in courts overseas. It is predominantly a matter of months and years at present, and we want to reduce that to days and weeks. Every day on which we cannot access content in this area—and let us remember that it is the court, not me, that must be satisfied that a request from the police is valid—is a day on which, in many cases, the offenders are still offending. That is why we think the Bill is so important. It reflects the changes in how offending is happening, and the fact that it is now happening online. For many months, Members on both sides of the House have asked what more the Government can do about not only online radicalisation but also online offending. This is a concrete step to ensure that we can do more to counter it.

The MLA process will continue to exist. It remains critical to other types of evidence that are not within the scope of the Bill and to any electronic evidence that may not be provided for by the relevant international agreement. However, one of the biggest pitfalls of the current system is the long wait to secure electronic data that, by its nature, can be shared very quickly. The Bill provides the solution in the form of an additional, streamlined alternative: the overseas production order.

I do not doubt that Members will support the crucial purpose of the Bill, which is to provide a significantly faster mechanism for obtaining vital electronic data that is held by overseas providers in order to prosecute the most serious offenders and to safeguard vulnerable people in our society from further unnecessary harm. I commend it to the House.

7.18 pm

Nick Thomas-Symonds (Torfaen) (Lab): The Minister began by saying that he was grateful for the contribution of lawyers during the previous two and a half hours. Alas, I have not had a chance to leave yet, but hopefully that contribution will continue.

Mr Wallace: Put the rates up.

Nick Thomas-Symonds: I doubt that even I could match the rates of the Attorney General.

As the Minister has explained, the purpose of the Bill is to permit a court in this country to require a person or company located overseas, such as an overseas service provider, to produce stored electronic information, as a court could if the information were located or controlled in the United Kingdom. That will be done via the overseas production order for which clause 1 provides. An order can be operative only if the UK signs a treaty enabling it to be exercised. UK law enforcement authorities will be able to apply for an order that requires the production of electronic evidence for the purpose of investigating or prosecuting crimes such as terrorism offences. At present, if UK law enforcement requires electronic data from another country, it must go via a mutual legal assistance treaty, but that process can be slow to complete.

I very much appreciate and accept that electronic information is crucially important for the investigation and prosecution of criminal offences, and indeed is gaining in importance. The Minister set out the case of Dr Matthew Falder and some of the horrific child sex abuse images found on various websites, and it is clear that having a smooth, fast, efficient process to obtain this information is important, which is why the Opposition support the aim of this Bill; we do need a faster system.

I should also point out that I recognise the particular importance of the United States, first because this is the country where so much of the data is held and so many communication services providers—CSPs—are based, and, secondly, because the UK has been negotiating a bilateral data-sharing agreement with the United States since 2015.

The Minister knows that the Opposition are always happy to work with him in trying to reach consensus on matters, but there are aspects of this Bill about which I and my colleagues in the other place have concerns.

First, I say to the Minister that we will be looking in Committee to pursue issues such as bulk data, confidential personal records and non-disclosure requirements.

There are also two other specific points of controversy that I will draw to the Minister’s attention now. The first of them relates to assurances on the use of the death
penalty in cases where this country hands over data. The Bill is reciprocal, which allows countries with which a treaty is negotiated to seek a court order for electronic data stored in the UK to be transferred to another country. The current treaty is being negotiated with the US, and US law enforcement could apply via its courts for electronic data in the UK to be used as evidence in a particular case. There are currently 30 states in America that retain the death penalty.

I appreciate the Minister’s efforts to make this a more transparent process than has previously been the case, when Home Secretaries could, in private, make decisions in individual cases that are capital cases about handing over information. My right hon. Friend the shadow Home Secretary asked an urgent question on one issue in this House in July, which was due to a leaked letter from the Home Secretary to the then US Attorney General, Jeff Sessions. In the letter, the Home Secretary stated:

“I am of the view that there are strong reasons for not requiring a death penalty assurance in this specific case, so no such assurances will be sought.”

The Minister responding to my right hon. Friend stated at the Dispatch Box:

“I can reassure the House that our long-standing position on the use of the death penalty has not changed.”—[Official Report, House of Lords, 24 July 2018; Vol. 792, c. 1612.]

While I accept that the Government cannot control whether another Government provide assurances that are asked for, they can control, where assurances are not forthcoming, whether information will be handed over, and that includes information which could lead to evidence being gathered for use in a court, as well as evidence itself.

My noble Labour colleagues in the other place tabled a strong amendment in this regard which passed by 208 votes to 185 and was added to the Bill. The effect of it is to prevent such handing over of information unless there are assurances that the death penalty will not be imposed. This is important for those of us on these Benches who oppose the death penalty in all its forms and are passionate about human rights here and around the world. Furthermore, while we are, quite rightly, focused on the United States for the reasons I have set out, this Bill could be used, alongside a treaty, as the basis for reciprocal information exchange with other countries around the world where the rule of law is not respected by the regimes in power there, making the need for safeguards in this Bill even more pressing.

Secondly, there is a concern regarding the protection of journalists’ confidential information.

**Sir Edward Davey** (Kingston and Surbiton) (LD): I agree very much with what the hon. Gentleman has said on the death penalty reassurance point. He will note that the Minister said in his speech that the amendment was somehow defective. Does he agree that if that is so the Minister needs to make his case in detail and put forward another amendment so he can ensure that these death penalty assurances can be given?

**Nick Thomas-Symonds:** The right hon. Gentleman puts his finger on a crucial point. The amendment passed the other place with a comfortable majority, and if it is to be argued that there is, perhaps, a technicality that renders it defective, the Minister must identify it in Committee so the House can on Report at least take a firm view on it.

On the protection of journalists’ confidential information, while the Government have argued that provisions in the Bill match those of the Police and Criminal Evidence Act 1984, there are specific instances where it does not quite match PACE, and I will give a few examples, which no doubt can be explored in Committee.

Under PACE, notice is required in all applications for journalistic material, and there are two types: confidential or “excluded material” and non-confidential or “special procedure material”. However, under clause 12(1) of the Bill, provision is made to notify organisations only when the material is confidential journalistic material:

“An application for an overseas production order must be made on notice if there are reasonable grounds for believing that the electronic data specified or described in the application consists of or includes journalistic data that is confidential journalistic data.”

An application for non-confidential material—for example, where a journalist made a documentary and had some notes—often facilitates a negotiation process about what data is appropriate to provide to the authorities and offers the right of the media organisation concerned to oppose it formally. The Bill’s failure to make provision for a notification to request non-confidential journalistic material is a concern.

Conditions must be met for the court to grant a production order for special procedure material under PACE, including the following: there are reasonable grounds for believing the material is likely to be of substantial value to the investigation; disclosure is in the public interest; and there are reasonable grounds for believing that the material is likely to be relevant evidence. While clause 4(5) and (6) include both public interest and “substantial value” tests, they do not include a “relevant evidence” test. That is again a matter we will look to pursue in Committee.

Adopting a threshold of what data is “relevant” to an investigation is both necessary and proportionate; as well as helping to enable clarity and consistency in cases, it is in line with human rights principles. Judges considering these issues will have benefited from the application of these recognised legal standards, and it would be a simple and sensible safeguard to bring these provisions in line with those under PACE.

Under PACE, tests are only limited to “investigations”, while the Bill is worded in such a way that the tests could be applied to include investigations and proceedings. It is not clear why this should be required right up to trial.

There is a further concern with regard to protection for “excluded material”, or journalistic material that is held subject to a duty of confidence. Under PACE, “excluded material” has a different set of conditions that need to be met. Why should that be different in this Bill?

Journalists play a fundamental role in holding those in power to account, and we must ensure that this legislation does not in any way suppress investigative journalism or the exposure of public interest. Thus while the Opposition do not oppose the Bill’s purpose and welcome measures for the speedy exchange of electronic data, we will be looking to put safeguards
into the Bill on handing over information, to protect the clear will of the other place with regard to the death penalty assurances and to protect the long-cherished principle of confidentiality of journalists’ sources.

7.29 pm

Dr Caroline Johnson (Seaford and North Hykeham) (Con): The way in which we communicate with one another has changed dramatically as a result of the digital age. The rapid growth of social media platforms has led to a sea change in how information is shared, conveyed and consumed. Indeed, the use of these platforms is ubiquitous in this House, and not a day goes by without Members’ WhatsApp messages being conveniently “leaked”. However, the convenience, accessibility and anonymity of these platforms has not been lost on those with more nefarious intentions, from terrorist groups looking to spread their hateful propaganda to child abuse rings sharing horrific images, and they are enthusiastically embracing this technology. As those who intend to cause harm change their methods of communication, so must our laws change to counteract that. The Bill will help us to keep pace with the increasing use of global electronic communications by criminals.

The current regime of mutual legal assistance is too slow and bureaucratic to make an effective contribution to an investigation. An MLA request to the United States can typically take nine months to produce what is being sought. This results in delayed or abandoned investigations and can delay people from being eliminated from criminal investigations. It is clear that when dealing with fast-moving dynamic criminal threats, this system is not fit for purpose. A nine-month wait for crucial information can be nine months too long. Overseas production orders, as provided by the Bill, will make the process far faster and more reliable, as they will get the information directly from companies. Rather than waiting for another country to consider whether it can comply with a request, then issue a court order or warrant and serve it, a judge in the UK will be able to go straight to a foreign company and get the information required in days, rather than months.

The new system that the Bill provides for will help us to tackle one of the most heinous crimes: child abuse. As the Minister outlined, there has been an exponential increase in the reports of child sexual abuse. As a paediatric consultant, I have treated far too many children who have fallen victim to this crime, sometimes with horrific physical injuries resulting from the abuse and with the mental health consequences that can occur at the time and later. The National Crime Agency estimates that a minimum of 66,000 to 80,000 individuals in the UK present some kind of threat to children. Each child is an individual, and each family can be badly affected. Any measure that helps to prevent one more child from suffering this fate deserves our full support. The Bill will ensure that child sexual abusers will see swift justice for their actions, and I welcome it.

7.31 pm

Gavin Newlands (Paisley and Renfrewshire North) (SNP): The Scottish National party welcomes the aims of the Bill, with some caveats, and the Scottish Government believe that investigations and proceedings relating to serious offences in Scotland could benefit from the use of overseas production orders as a quicker and more streamlined process for obtaining electronic data. Notwithstanding the Minister of State to which I am sure we will discuss further in Committee, we also welcome their lords’ amendment that provides safeguards against UK service providers being required to produce evidence in cases in which the death penalty may be imposed.

However, we are concerned about the lack of proper safeguards for journalistic material, and I hope that we will be able to strengthen the measures in that important area in Committee. Although I welcome the fact that an order must be for specific, targeted information, the fact that it will in all likelihood be able to access bulk datasets to retrieve that information is disappointing and goes against the strong points made by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) during the passage of the Investigatory Powers Act 2016. I shall return to those issues a little later.

The ability to apply for an overseas production order through the domestic courts will make the process for gaining cross-border access to electronic data faster and more reliable than the current processes, which rely on mutual legal assistance treaties. MLAs have been criticised for being too bureaucratic and time-consuming. The UK’s deputy national security adviser on intelligence, security and resilience to 2018, Paddy McGuinness—not the one we are all familiar with—explained in an interview how the current process causes difficulties for UK investigators and prosecutors. He stated:

“It does not make sense that criminals plotting a major drug deal, a murder, a kidnap, trafficking people or sexually abusing a child in the UK can have their communications intercepted if they communicate via text message, but if they use a US company’s services their data should be out of reach of UK law enforcement.”

Those of us who sat through the Committee stage of the Investigatory Powers Bill will never forget the fact that electronic information is becoming increasingly important to the investigation and prosecution of criminal offences, including terrorism. The companies that provide services that generate or store this data, such as Facebook, Twitter and Google, are often located outside our jurisdiction. This puts the data beyond the reach of existing domestic court orders, which either cannot be made when the data is not in or accessible from the UK, or cannot be served extra-territorially. According to Access Now, a digital rights campaign group, there has recently been a “huge growth” in MLA requests to access online records such as subscriber details, email content, metadata and social media from companies such as Google, Facebook, Yahoo and Twitter, which treat the vast majority of their data as being located in California and therefore subject to Californian jurisdiction.

According to the Home Office’s own figures, as of 2016—the figures are now out of date—the UK was party to 40 bilateral MLA agreements. As we have heard, the MLA process can be slow, requiring significant Government-to-Government liaison. This can cause lengthy delays, which can cause problems for investigations and prosecutions. Lord David Anderson, the then independent reviewer of terrorism legislation, has spoken of the severe delays in the process and recommended that the Government should seek to address deficiencies in access to material from overseas service providers and “take a lead in developing and negotiating a new international framework for data-sharing among like-minded democratic nations.”
Detectives investigating serious offences, including murder, have commented that it is taking an “inordinate amount of time” to access evidence from Facebook. Cressida Dick has said that UK police forces have faced a “very protracted procedure” in cases where they have had to access information from organisations such as Facebook. Just recently, she stated:

“I absolutely think that in certain instances...law enforcement in the UK ought to have vital evidence which might bring someone to justice.”

The delays that detectives currently face are unacceptable and it is clear that the system needs to be improved.

Lord Anderson spoke in his summing up about the international frameworks, and I would like the Minister to explain further why, Brexit aside, he was not interested in participating in the European protection order.

I move on to the amendment made in the Lords to clause 1, with which we wholeheartedly agree. It provides that in any agreement on overseas production orders and the provision of electronic data under the terms of the Edward Act, the journalist must be obtained from the country concerned that the death penalty will not be applied. Article 2 of the European convention on human rights—together with protocol 139, to which the UK is a signatory—provides for the total abolition of the death penalty. It is therefore regrettable that the Government tried to resist this amendment in the other place. We—and, I am sure, Labour Members—will resist any Government attempt to draw back from this position in Committee.

While we broadly welcome the Bill, we are concerned about lack of safeguards for journalistic material. We believe that the provisions in the Bill are inadequate in protecting confidential journalistic material. This could threaten the pursuit of journalistic inquiry and undermine the democratic institution of a free press. We are not alone in this, as the BBC has also raised concerns.

Clause 12 provides for a journalist to be given notice of and made a party to an application that pertains to their confidential journalistic material, but this does not apply to non-confidential but nonetheless sensitive journalistic material, which is at odds with the domestic situation as outlined in the Police and Criminal Evidence Act 1984. The system proposed in the Bill will allow for a significantly reduced opportunity for journalists to engage in arguments about what is, and is not, suitable for disclosure, removing the opportunity for a journalist to make submissions on the issues that this gives rise to in the context of their work. Where on-notice applications are permitted in cases of confidential journalistic material, the Bill is currently silent as to whether or how any submissions will be taken into account by the judge. No further information is outlined on what this process would involve or how much information the journalist would be able to access; nor is it clear that sufficient information would be disclosed to enable them to respond appropriately. Additionally, it is unclear whether any advice or support would be provided to a journalist in those circumstances. Under clause 13, a journalist cannot inform anyone of the application or its contents, and no provision is made for this information to be disclosed to a legal adviser or representative.

The BBC has some further asks. It wants the Bill to require that notice is given in all applications for journalistic material, not just in those involving confidential material; to ensure that the evidential value test mirrors the current law in both terrorism and non-terrorism cases; to ensure that confidential journalistic material is protected, as under the current law for domestic applications; and to ensure that the Secretary of State can enter into reciprocal arrangements only with countries that provide at least as much protection. I suspect that we will be looking at this further in Committee.

The other area that we will be seeking clarity on during the Bill’s later stages is the potential use of bulk datasets. As I have said, the SNP has argued strongly against the retention of bulk data sets, the vast majority of which are harvested from mainly innocent citizens. We argued that it is incumbent on the Government to prove that there is an operational case and that the powers are necessary and to ensure that the safeguards are rigorous. It would therefore be rather remiss of us to allow legislation to pass without the requisite safeguards around the accessing of such data.

To conclude, the MLA treaty system is not working in the modern age. Vast amounts of electronic data goes through Facebook, Twitter and other organisations, and a quicker and more streamlined process for obtaining data is required to investigate serious offences efficiently in the modern world. The ability to apply for an overseas production order through the domestic courts would make the process for getting cross-border access to electronic data faster and more reliable than currently. The Minister was uncharacteristically generous—I mean the Government, not him personally—in working with the Opposition when the Counter-Terrorism and Border Security Bill was in Committee, and I hope that will be repeated with this Bill so that we can move on together.

7.40 pm

Vicky Ford (Chelmsford) (Con): For nearly a decade, I have been a champion of a charity called the Internet Watch Foundation. It is not a paid role, but it gives me huge pride. The IWF was set up by the previous Conservative Prime Minister, and it identifies online images of child exploitation and then removes them from the internet. Last year, the IWF took down or acted on 132,000 reports of child sexual exploitation, 55% of which involved children who appeared to be under the age of 10 and one third of which involved rape or sexual torture. Child sexual exploitation is hideous, and when the images can be taken down, sources can be traced and lives can be saved. I am proud that less than 1% of such images are now stored in the UK thanks to the work of the IWF.

However, speed is vital when tracking images and getting hold of them means that our law enforcement authorities can then build cases and hold these evil people to account. This Bill will allow our law enforcement agencies to apply via the UK courts for a court order in other countries to get access to that data, and it will be crucial in countries such as the US, where we are already negotiating such an agreement. I am concerned that the Labour party’s amendments will create extra delays in the process when children’s lives are at risk. We should be working as hard and as fast as possible to get rid of this global crime. Britain needs to stand up and take the lead and save our children from exploitation on the internet. I am proud to support the Bill tonight.

7.42 pm

Sir Edward Davey (Kingston and Surbiton) (LD): I pay tribute to the hon. Member for Chelmsford (Vicky Ford). I think the Internet Watch Foundation does a
fantastic job, and it is already saving lives, so everyone involved in the organisation deserves our thanks and gratitude. It is in that spirit that I rise to support this Bill and to say that the Minister was absolutely right to make his argument in the way that he did. The legislation goes beyond defeating the people involved in child sexual exploitation, and others committing horrendous nasty, violent crimes will also be caught by these important measures. Beyond that, the Bill will act against terrorism and so on, so the Government are absolutely right to pursue it.

All that is part of the way that we in this House need to support international co-operation against crime. Although this Bill will help to speed up the work that needs to be done via the courts to enable the investigatory bodies to get these criminals and hopefully stop such activities, I gently point out that the European Union already has many successful tools and instruments, and it is a shame that it looks like we are reducing our ability to use them.

However, in totally supporting the thrust of the Bill, I associate the Liberal Democrats with the gentle criticisms of the Labour and SNP Front-Bench spokesmen, who made important points about death penalty assurances and journalistic freedom that must be considered and put right in Committee and on Report. On the death penalty assurances, joint efforts between Labour and Liberal Democrat Lords secured that amendment, and it will take some proof to convince us that it is defective. Indeed, the Liberal Democrats would like to go further. Although the amendment was welcome, the fact that it relates to section 52 of the Investigatory Powers Act 2016 means that there may well be other treaties involving the sharing of collected electronic data to which it may not apply. Given the significance of that, it is important that we go as far as we possibly can. The UK must oppose the death penalty in all circumstances, and we need an assurance from the Government that the law is extremely tight.

Mr Wallace: Will the right hon. Gentleman therefore clarify his party’s position if we were in a negotiation with another country and the other country said, “Look, we cannot give you the death penalty assurances”? Some 99.9% of the data requests under this Bill will be concerned with crimes of paedophilia or the other crimes that I described earlier. Should the death penalty become a bar, is the right hon. Gentleman saying that the Liberal Democrats would like to go further? Although the amendment was welcome, the fact that it relates to section 52 of the Investigatory Powers Act 2016 means that there may well be other treaties involving the sharing of collected electronic data to which it may not apply. Given the significance of that, it is important that we go as far as we possibly can. The UK must oppose the death penalty in all circumstances, and we need an assurance from the Government that the law is extremely tight.

Mr Wallace: My point is that the moment for the House to look at that is not when considering this Bill but when whatever treaty or international arrangement we make with whatever country we need to make it with comes before the House for scrutiny. Then we can have a debate about whether the international treaty we have sought to give effect to this order is right for the balance of risk, but the generic primary legislation that allows an order to be made is not the right vehicle.

Sir Edward Davey: What the Opposition parties are saying very clearly to the Minister is that he has to make that case in Committee, just as the hon. Member for Torfaen (Nick Thomas-Symonds), the Labour party’s Front-Bench spokesman, made clear when I intervened on this very point. The Minister should make the case, but he should also explain how the Government will deal with the problem, which has arisen because of the actions of the Home Secretary not because of the actions of the Opposition.

We are concerned about the potential for this Bill to undermine protections for the freedom of the press. To be generous to the Government, what I think has happened is that, in pursuing a laudable aim that we all support, they went to the statute book and said, “Which statutes can we copy and past-extract to meet our objectives?” Rather than looking carefully at how, in domestic law, the Police and Criminal Evidence Act 1984 has carefully nuanced the use of the Terrorism Act 2000, Home
Office officials, possibly because of the culture in the Home Office, just cut and pasted mainly from the Terrorism Act. That may have been a mistake, and there may have been no deliberate intention for it to have the consequences that now appear before us, so I gently say that I hope the Minister will go away and think about this. I invite him to meet right hon. and hon. Opposition Members, as well as representatives of the media to hear in detail the genuine concerns not just of BBC lawyers but of lawyers representing other media organisations.

We have heard from other Members about the relevant evidence test, which is in our domestic law and has been carefully developed over a period of years, but that test will not be applied to protect journalists with respect to material that comes from their investigations abroad. That is quite worrying if one looks at the practical examples. Take the case of Mark Duggan, for example. He was shot by the police in Tottenham in 2011, and the BBC obtained mobile phone footage of the aftermath from a witness. The BBC was ordered to turn over the footage and, because it was relevant evidence, the footage was handed over. Then an application was made for information that would reveal the identity of the source of that footage. The person who had shot the footage was understandably concerned for their safety, and the BBC was ordered to turn over the information that would reveal the identity of the source of the footage. The person who had shot the footage was understandably concerned for their safety, and the BBC successfully opposed the application by pointing to the relevant evidence test in the Police and Criminal Evidence Act. That test is not in the Bill, so there is a clear example that, by not being as subtle in this legislation as we are in our domestic legislation, there is a danger that journalistic freedom, as exercised abroad, will be curtailed.

The point about the notices is relevant, and it should worry the Minister because the way that notices work under domestic legislation is very helpful not just to journalists but to the police. Sometimes when the police put a notice to a journalistic organisation, that organisation will go back to the police and say, “You are asking for a huge amount, and we don’t really think it is necessary for your investigation. Let us enter a dialogue with you to narrow down your search so you can get information that will really help you, and therefore you will not have to waste so much time.” The notice actually turns out to be helpful in speeding up investigations. Given that that is the whole purpose of this Bill, the Minister should go away and look at that.

Moreover, it is not just about thinking of the police’s point of view in speeding things up; it is also about making sure the police know whether the evidence exists. The way some notices work at the moment is that the police go on a fishing trip. There is the example from Durham police, they applied to the BBC without notice. Durham police were eventually told that they could not do that and that, if they had submitted a notice, they would have learned that the material no longer existed. Again, the BBC was trying to save police time.

Some of the carefully constructed domestic law needs to be put into this internationally applying legislation in order to help the police and security services, not just journalists. I am sure this is just an unintended consequence, and I am sure there is no malice, so I hope this is the sort of issue that can be settled by a few meetings and a few amendments that garner support from both sides of the House. That is how scrutiny should operate in this Parliament, and I hope the Minister, with his usual generosity, will be open-minded to that approach.

7.56 pm

Nick Thomas-Symonds: With the leave of the House, I will briefly respond to the debate. The hon. Member for Sleaford and North Hykeham (Dr Johnson) put her finger on it when she said that any measure that prevents one more child from suffering must be laudable, and she is absolutely right. The hon. Member for Paisley and Renfrewshire North (Gavin Newlands) and I often find ourselves working together on such Bills, and I look forward to working with him once again in Committee.

He is right to raise the issue of journalists who have material that is sensitive but not necessarily confidential, which is clearly an issue to consider in Committee.

I commend the hon. Member for Chelmsford (Vicky Ford) for the work she has done in taking down horrific images from the internet through her work with the Internet Watch Foundation. I say to the right hon. Member for Kingston and Surbiton (Sir Edward Davey) that there is no difference of principle in opposition to the death penalty. I appreciate that there is an argument about other treaties, but there will also be an argument about what is within the scope of the Bill. We should do our best, on a joint basis, to protect the gain that has been made in the Lords, and I look forward to working with his party on that at later stages.

All I say to the Minister is that I hope we can proceed by working together, as we have on previous Bills. As the Bill goes into Committee, we will now be looking carefully at the issue of data access being proportionate and necessary, the issue of confidentiality and journalists’ sources and the vital issue of death penalty assurances.

7.57 pm

Mr Wallace: With the leave of the House, I will close the debate on Second Reading. I thank hon. Members for engaging with the Bill, for their support of what it will achieve and for their considered comments.

Overseas production orders will be vital in ensuring that criminals do not remain at large for longer than is necessary due to delays in accessing electronic content data held overseas. Overseas production orders also reflect the technological developments of recent years. The use of modern electronic communication technologies by serious criminals to perpetrate their crimes and to seek to evade justice is increasing exponentially. This means that the evidence needed to convict such criminals is increasingly in the form of emails, Facebook messages, images stored with providers like Dropbox or elsewhere in the cloud, and similar electronic content data. UK law enforcement agencies and prosecutors now need a faster, 21st-century process for obtaining such evidence, not least to protect victims of child sexual abuse living in our communities and in our constituencies.

The length of time it currently takes to obtain electronic evidence leaves child victims to be abused while our dedicated law enforcement agencies and prosecutors navigate unnecessary bureaucracy. Bureaucracy prevents us from getting to the heart of an investigation sooner and puts more children at risk. The longer it takes, the longer these vile criminals are free to carry on offending.

We must prioritise the safeguarding of the most vulnerable people in our society as far as possible.

I will now briefly address the comments of hon. Members. The hon. Members for Torfaen (Nick Thomas-Symonds) and for Paisley and Renfrewshire North...
people sometimes seek to restrict that judicial discretion. If we are to make a decision about public interest or certain tests, the same judicial discretion—yet when we ask them to make that decision, I think we sometimes hold strong views on this—I am a great believer in judicial discretion. Interestingly, people in this House will no doubt be absolutely supportive of the Government’s position. They will not be satisfied by that, but the hon. and learned Member for Kingston and Surbiton suggested, officials picked this off the top of their heads; it was in not only the Terrorism Act 2000, but the Proceeds of Crime Act 2002. As with a lot of different case law, there have been different developments on the definitions of “data” and “confidential data” as it relates to journalistic material. Of course, the substantial value and public interest test is already in place to ensure that data relevant to a particular investigation or proceedings can be the subject of an access production order, but I am happy to discuss this further in Committee.

The hon. Member for Paisley and Renfrewshire North talked about a number of things. First, he asked why we had not opted into the European protection order scheme, by which I assume he means the Europe e-evidence proposals. The Government chose not to opt into the e-evidence regulation as it is not clear that the new EU legislation will be a practical and effective way to address the global issue of providing lawful access to data held anywhere in the world. Clearly, however, I agree with the principles, which is why we are introducing this Bill.

The hon. Gentleman also raised the issue of bulk data. An application for an overseas production order must specify what data is being sought. The judge approving the order must be satisfied that the data requested is of substantial value to the proceedings or investigations and that it is in the public interest for the data to be obtained. I know the hon. Gentleman may not be satisfied by that, but the hon. and learned Member for Edinburgh South West (Joanna Cherry), being a barrister, will no doubt be absolutely supportive of judicial discretion. Interestingly, people in this House often hold strong views on this—I am a great believer in judicial discretion—but when we ask them to make that decision about public interest or certain tests, the same people sometimes seek to restrict that judicial discretion. I trust our judiciary and believe that in this environment of a bulk data request and so on, if this is laid by our law enforcement agencies before the court, the judge can use his or her discretion to make that decision, if it is in the public interest, and the police and law enforcement satisfy the requests made.

My hon. Friends the Members for Chelmsford (Vicky Ford) and for Sleaford and North Hykeham (Dr Johnson) were absolutely right about the potential damage that the online environment is doing to our young people and the tools that the internet gives some persistent offenders to exploit and abuse people, both adults and children. I mentioned Dr Matthew Falder at the opening of this debate. To see that case in detail is disturbing, and it will stay with me for most of my life. We know that he affected people’s lives, not just at home in the UK, but across the world, including by encouraging people to commit suicide and so on. He set up chatrooms where the qualification for entry was for people to bring their own abuse images into the chatroom—people were tasked with abusing children and bringing those images in. These are the people this Bill is targeted at, and every day we cannot deal with them is a day they continue to abuse.

The right hon. Member for Kingston and Surbiton, and the hon. Members for Torfaen and for Paisley and Renfrewshire North asked about the issue of the death penalty. I understand the importance of it and the key principle that people hold on it. The right hon. Gentleman was a member of the first Government who published the overseas security and justice assistance guidance—OSJAG. This is human rights guidance on requests for evidence and it contains all the guidance for law enforcement and government on the extent to which we seek and uphold our principle on the death penalty. I am happy to debate this in Committee. It does, however, reflect the issues and challenges we face as to balancing our security with our belief on human rights. This affects any Government, including the last Labour Government, who did not have OSJAG but still believed there were exceptional circumstances when assurances need not be sought. That is why I will welcome the discussion in Committee, but I make the point to Members that this Bill is an enabling Bill. It is, in effect, a plug for international agreement that we will then go and negotiate around the world, depending on where risk comes from and need. Both Houses will get a further chance to scrutinise those individual agreements, and we can then ascertain whether they uphold our principles. I look forward to debating with interested Members in Committee, and I commend this Bill on Second Reading.

Question put and agreed to.

Bill accordingly read a Second time.

CRIME (OVERSEAS PRODUCTION ORDERS) BILL [LORDS] (PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A (7)),

That the following provisions shall apply to the Crime (Overseas Production Orders) Bill [Lords]:

Committal

(1) The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

(2) Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 18 December 2018.

(3) The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

(4) Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

(6) Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

(7) Any other proceedings on the Bill may be programmed.—[Amanda Milling]

Question agreed to.
Business without Debate

DELEGATED LEGISLATION (COMMITTEES)

Mr Deputy Speaker (Sir Lindsay Hoyle): With the leave of the House, I wish to put motions 3 to 6 together.

Ordered,

That the Measure passed by the General Synod of the Church of England, entitled Ecumenical Relations Measure (HC 1687), be referred to a Delegated Legislation Committee.

That the Measure passed by the General Synod of the Church of England, entitled Church of England (Miscellaneous Provisions) Measure (HC 1688), be referred to a Delegated Legislation Committee.

That the Measure passed by the General Synod of the Church of England, entitled Church Property Measure (HC 1689), be referred to a Delegated Legislation Committee.

That the Measure passed by the General Synod of the Church of England, entitled Church of England Pensions Measure (HC 1690), be referred to a Delegated Legislation Committee.—(Amanda Milling.)

Mr Deputy Speaker: With the leave of the House, we will take motions 7 and 8 together.

Ordered,

PUBLIC ACCOUNTS

That Gillian Keegan be discharged from the Committee of Public Accounts and Anne-Marie Trevelyan be added.

TREASURY

That Stephen Hammond be discharged from the Treasury Committee and Mr Steve Baker be added.—(Bill Wiggin, on behalf of the Committee of Selection).

Scotland’s Foreign Policy Footprint

Motion made, and Question proposed, That this House do now adjourn.—(Amanda Milling.)

8.6 pm

Stephen Gethins (North East Fife) (SNP): I am grateful for the opportunity provided by this Adjournment debate, which, happily, coincides with St Andrew’s day last Friday. As well as being marked by Members from across the House, it was of course marked by millions throughout the world, including the tens of millions of Scots through birth, residency, ancestry or affinity. St Andrew’s day is of course particularly important for me and my constituents, because I have the great privilege of being the Member of Parliament for St Andrews, whose cathedral marks its 700th birthday this year, which I am sure all of us throughout the House can celebrate. It was built to commemorate the battle of Bannockburn, as I am sure we all can today. The cathedral was lit up on Friday, for the first time in a decade, to mark our patron saint.

As such, it seems apt this evening to reflect on Scotland’s place in the world and its foreign policy footprint. I say to the Minister—I know he understands this—that we should have this debate regardless of Scotland’s constitutional future. We should have a sensible debate when discussing soft power and the attributes that Scotland brings to the international community. Obviously, he and I will have different views on Scotland’s future, and that is entirely legitimate, but I do not think it should take away from our having a sensible discussion of one of the Foreign Office’s greatest foreign policy assets—[Interuption.] That being, as well as the Minister, Scotland’s soft power and the benefit it brings to the Foreign Office’s diplomats in doing their work.

Before I really get under way I should add, for the record, that there are a fine range of Scottish organisations. I refer to my declaration of interests, in that I am a trustee of the John Smith Trust and an adviser to Beyond Borders Scotland. Both roles are unremunerated, but I should bring them to the House’s attention.

I hope the Minister does not mind my saying this, and it is no criticism of him, but there have been times when the Foreign Office has perhaps been a little Whitehall-centric and conventional in carrying out its work over the past few years. I sincerely hope—in fact I know—that he will take my arguments in the spirit in which they are intended, as a constructive part of the discussion about how we conduct foreign policy throughout this Chamber and beyond. I accept that he may not agree with me entirely, but I hope he will appreciate the genuinely constructive way in which I hope to carry out this debate, to which I am sure all my colleagues will hope to contribute. Look at them—do they not look like a constructive bunch?

First, I wish to talk about Scotland the brand. Scotland may not yet be independent, but I think everybody can agree that we have undergone a significant constitutional journey in recent years, with Scotland having reasserted itself on the international stage since the re-establishment of the Scottish Parliament in 1999. All parties can take some credit for the fact that we have gone through that constitutional journey. We have at times had difficult and divisive discussions and debates, but they have always taken place in a spirit of democracy. We should all take some pride in that journey.
Scotland has significant soft power resources at its disposal. It is quite remarkable that a nation that is not yet a recognised independent state has such a recognisable brand, which many independent states would highly envy. I can remember, when I worked in South Ossetia in the south Caucasus, discussing Burns with local veterans. His work was so widespread throughout the former Soviet Union, bridging the gap between warring factions in that conflict. It has been translated into all the languages of the Soviet Union, including Ossetian. It was incredibly important for me to be able bridge that gap through Burns—through our soft power.

Despite the truth of history and despite what may have happened in history, Scotland’s history is often, rightly or wrongly—I make no judgment—viewed quite differently from that of our neighbours across these islands, not least our larger neighbour directly to the south. That is something we should all try to use to our advantage. We have a valuable global brand.

Stephen Gethins: I know it is very unusual for the hon. Gentleman to intervene in Adjournment debates, but I thank him for taking the time to do so this evening. I appreciate it. He makes a valid point, but sometimes we have a different foreign policy approach and others will take their own views. I wish to give some specific examples of how Scotland has perhaps taken a slightly different approach, but one that has enriched foreign policy overall and should be taken on board. Further into my speech, I shall discuss the fact that non-governmental organisations and a non-state approach to some international work also have a place. I say that with particular reference to work in conflicts. In the 21st century, the role of civil society and sub-state actors has been transformational.

Patrick Grady (Glasgow North) (SNP): I congratulate my hon. Friend on securing the debate. I think he will go on to speak about this in more detail, but Scotland’s relationship with Malawi—I declare an interest as the chair of the all-party group on Malawi—is a fantastic example of partnership working between countries. He emphasises the role of NGOs, which is at the core of such work, because the nature of the devolved settlement and how the Scottish Government fund overseas work means that the process relies on civil society organisations in the two countries speaking to each other. I am sure my hon. Friend agrees that that is definitely a lesson that the UK Government could learn.

Stephen Gethins: My hon. Friend makes an excellent point. He has done some significant and worthwhile work to build and maintain the special relationship that exists between Scotland and Malawi. That is seen in the work not only of NGOs but of the Scottish Government in developing that relationship, going right back to the days of Livingstone and trying to use our history and common heritage to develop the relationship.

Brendan O’Hara (Argyll and Bute) (SNP): I thank my hon. Friend for making such a powerful case about Scotland and our tradition in the world. Does he agree that there is probably no greater example of how Scotland helps the world than Mary’s Meals, from my Argyll and Bute constituency? It was started as Scottish International Relief in 1992 in Dalnially, in Argyll and Bute, by two brothers, Fergus and Magnus MacFarlane-Barrow, primarily to assist those who were suffering through the Bosnia-Herzegovina conflict. Today, it has grown to be such a worldwide organisation that every day 1.3 million children benefit from receiving a hot meal through Mary’s Meals. Does my hon. Friend agree that that is a prime example of how Scotland benefits the rest of the world?

Stephen Gethins: My hon. Friend makes an excellent point. He is right to point to his constituency and the work that is done by Mary’s Meals. I would encourage anybody to read “Eastern Approaches” by Fitzroy Maclean, who was of course an MP who sat on the Conservative Benches. It is an excellent book, and he is also part of the links between Argyll and Bute and the former Yugoslavia. I fondly remember visits to Vis.

Jim Shannon: It would be remiss of me to let this opportunity pass, because the hon. Member for Argyll and Bute (Brendan O’Hara) made an important point, but he did not directly mention the generosity of the Scottish people, which is enormous, as is ours in Northern Ireland. The generosity that we share with our Gaelic cousins is shown not only by the project that the hon. Gentleman referred to but by the fact that every week every Scottish National party MP tables an early-day motion that refers to the generosity of people and what they do. That should not be forgotten—in this debate, in Hansard, or in the House.

Stephen Gethins: I thank the hon. Gentleman for his intervention. His point is helpful, because it takes me on nicely to an area on which we share a great deal of common history with the people of Northern Ireland and across these islands, which is the diaspora. I hope the hon. Gentleman will not mind my referring to the Scots Irish diaspora and the impact that it has had on the United States.

Jim Shannon: Every year, I attend the Irish Fest in Milwaukee, in Wisconsin. This August, the theme will be Scottish Gaelic culture, music, history and prose. That is an example of what can happen with the Scots Irish.

Stephen Gethins: I thank the hon. Gentleman for his contribution. I know how excited the people of Milwaukee will be about his visit and how much they will be looking forward to it. That event, too, is about building links between our parts of the world.

There are tens of millions of Scots around the world. I use the term Scots in a generous way, which is the right thing to do. I recently read online that one of our new Scots said, “The nice thing about being Scottish is that you just turn up.” That is a nice way to be. [Interruption.] The Minister could turn up on these Benches; he would be very welcome.
When talking about the deep links that Scotland has, which are a resource for the Foreign Office, I recommend that anyone reads the work and follows the broadcasts of my constituent Billy Kay, who looks at the Scots’ impact globally, including in Poland, Sweden, the United States and the Commonwealth. His excellent recent broadcast series on the Scots in Russia is particularly interesting and timely listening, because of course SNP Members, like others, think it is right that our foreign policy takes a hard line with the Government of Russia, but we all recognise the deep affinity with Russia and the links not just between Scotland and Russia but between the people across these islands and the people of Russia. It is more important than ever before that we remember the common history and heritage and the links that bind us to the great people of Russia, to whom European civilisation and culture owes so much.

Alan Brown (Kilmarnock and Loudoun) (SNP): I congratulate my hon. Friend. Friend on his speech. It is interesting that he talks about his constituent Billy Kay. I, too, pay tribute to Billy Kay for his fantastic work, but I should just point out that although he is a constituent of my hon. Friend, he comes from the village of Galston, so he is a good Ayrshire man.

Stephen Gethins: My hon. Friend is right. My constituent is a good Ayrshire man, but he is also a good Dundee United fan, which I know Members from across the House will welcome. That is particularly important—I point to his work on the impact that the Scots have had on the beautiful game, including the work that they have done in places such as Brazil and Argentina. I sincerely hope that the Brazilians and the Argentinians will remember the debt that they owe us with regard to football the next time that we play them.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): I thank my hon. Friend for giving way and congratulate him on securing tonight’s important debate, which is very much a sequel to my own hugely successful broadcast series on the Scots in Russia is particularly interesting and timely listening, because of course SNP Members, like others, think it is right that our foreign policy takes a hard line with the Government of Russia, but we all recognise the deep affinity with Russia and the links not just between Scotland and Russia but between the people across these islands and the people of Russia. It is more important than ever before that we remember the common history and heritage and the links that bind us to the great people of Russia, to whom European civilisation and culture owes so much.

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Gavin Newlands: The British embassy in Washington. That is second in the global power index? He has just mentioned the British embassy in Washington. That was a powerful tool. Decision and formed their first democratic newspaper at the

Stephen Gethins: On that point about successful independent countries, I will gladly give way to the hon. Gentleman.

Andrew Bowie: It is on that point of co-location. May I congratulate the hon. Gentleman on securing the debate? I can find nothing to disagree with in what he has said thus far, but he has raised Scotland’s future a couple of times. He said, “We are not an independent state yet.” Does he not agree that the hugely positive impact that Scotland has in the world—our global soft power footprint—is actually enhanced by our being a part of a bigger, greater United Kingdom, which I think is second in the global power index? He has just mentioned the Scottish Government office being co-located with the British embassy in Washington.

Stephen Gethins: Well, it is all very well being co-located with the UK embassy, but what is really interesting—I was going to avoid this point, but the hon. Gentleman offers me no choice—is that of the dozens of countries that have become independent from the UK and that no longer wish to be co-located with the United Kingdom when carrying out their foreign policy, not one of them has changed its mind about independence. They have all grasped the benefits of independence, including the many benefits for foreign policy. Although I try to talk about how we can take our relationship forward, my belief—like the belief in those dozens and dozens of successful independent countries—is still that the only way we can truly harness our potential is through the normal powers of independence.

Andrew Bowie: I do not want to go down this rabbit hole, but the hon. Gentleman did bring up Bannockburn earlier on. To go back to what he said about the dozens and dozens of countries that have gained their independence from the United Kingdom, it was of course because of Bannockburn that we joined the Union as an equal partner. Therefore, we are not in the same position as those dozens and dozens of countries that have gained independence. We are an equal partner within this United Kingdom, from which Scotland does very well indeed.

Stephen Gethins: I thank the hon. Gentleman for his intervention. If he had listened to my reference to Bannockburn, he would know that it was merely to give a historical illustration of why the cathedral at St Andrews was built 700 years ago. I think that, deep down inside, he accepts that—it was a historical illustration. If he wants to go back that far, I will indulge him, because I recently read about a new Hanseatic League being brought up in the European Union. That is an EU of successful independent member states talking about having a new Hanseatic League and about building strong, successful independent economies. The first thing that William Wallace did after declaring Scottish independence—if the hon. Gentleman wants to go back that far, and it was he who took us down this rabbit hole—was of course to apply to rejoin the Hanseatic League. Therefore, in many ways, we can learn from history, and the letter of Lübeck tells us that.

Stephen Gethins: While we are down that rabbit hole, is it not interesting that Scotland as a country had no debt until the Treaty of Union in 1707, nearly 400 years after Bannockburn, when it had to take on debt due to England’s foreign policy in foreign wars?
Stephen Gethins: My hon. Friend raises a valuable point. I shall continue to look ahead and perhaps, despite what my Conservative colleagues are saying, to look to the future and to our future opportunities.

Bill Grant (Ayr, Carrick and Cumnock) (Con): I welcome the hon. Gentleman’s speech for its pleasant journey through history—it is history as seen through the rose-tinted glasses of the SNP. He may wish to reflect on the time when Scotland chased the colonies and wanted to build its own colony cultures under the Darien scheme. Perhaps he could share his views on that with the House.

Stephen Gethins: I have very much enjoyed today. In fact, I have family connections to the Darien Gap. My brother-in-law was a hostage in the Darien for a year. It is where we need to learn from history and from what happened at the time. In terms of what happened to my own brother-in-law, I pay due credit to the Foreign Office and the help that was given to the family during that time. We also need to look to the future.

Brendan O’Hara: I purely wish to make reference to what the hon. Member for Ayr, Carrick and Cumnock said about the Darien scheme. May I refer him back many years to my own tutor at Strathclyde University, Professor Tom Devine? He is the doyen of Scottish history. The hon. Gentleman should read what Professor Devine and other Scottish historians say about Darien. Darien is not as it is portrayed in British popular culture. It is far more complex and far more nuanced. Indeed, it showed incredible entrepreneurial skills on behalf of an independent Scottish nation, which was cruelly taken away by the amalgamated powers of many Europeans. I urge him to read up on the Darien scheme.

Mr Deputy Speaker (Sir Lindsay Hoyle): I do not mind interventions, but at least let us see if we can shorten them. I say to the hon. Gentleman to save it for a speech; he might catch my eye.

Stephen Gethins: I thank my hon. Friend for his historical point.

As I have said, I do want to look to the future to our ambitions and opportunities. Let me turn to our education sector. Today, we see thousands of students, staff members and renowned academics from across the world come to Scotland. It would be remiss of me not to mention the very fine and much-missed Sir Neil MacCormick, the professor of law and the reverence with which he is still held in many European countries—and badly missed he is, too.

The House will be unsurprised to learn that I am going to mention the University of St Andrews, which today hosted the head of MI6, Alex Younger, who studied at the university and chose it as the location at which to make a speech. Although he is a UK national, this reflects the fondness with which many former alumni and former staff hold St Andrews, as is the case with other Scottish universities. I particularly enjoyed the university’s “Internationally Scottish” campaign: 45% of the university’s staff and students are international, and this campaign recognises their connection with Scotland. That is an enormous asset, which I am sure is welcomed across the House.

Like a number of my hon. Friends, I also recognise the fantastic NGO sector that thrives across Scotland, with organisations such as the Scottish Catholic International Aid Fund, Mercy Corps, the HALO Trust and the John Smith Trust that have built up networks across the former Soviet Union and the middle east, providing a fantastic asset for our diplomats. Scotland is a soft superpower, but there is no point just being a soft superpower without looking at the practical areas where we should and can harness that power.

Marion Fellows (Motherwell and Wishaw) (SNP): As part of the Select Committee on Education, I went on a tour of a number of first-rate universities across the UK, and found exactly what my hon. Friend has just mentioned—soft power. Soft power will disappear if we leave the European Union, because it is about people coming to universities, in Scotland especially, who send back generations of students to put forward the Scottish enlightenment ideas.

Stephen Gethins: My hon. Friend makes an outstanding point; in fact, she makes my point for me. We should look at how we can harness soft power. I would like to know the Minister’s genuine thoughts on how we can work together, outwith the refines of Whitehall and traditional means of pursuing foreign policy.

This year, Westminster marks 10 years of the Climate Change Act 2008. Members across the House are right to celebrate that and the progress that has been made. It is up to us how we tackle this generation-defining issue—a point made by a number of Members during the G20 statement earlier, including my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford). Back in 2009, Scotland won plaudits across the world when it went further than Westminster with, at the time, the most far-reaching and ambitious climate change targets anywhere in the world, and that remains a priority for the Scottish Government.

Angela Crawley (Lanark and Hamilton East) (SNP): Scotland’s leadership on climate change and ambitious action on reducing carbon emissions in 2009 were showcased in the Copenhagen summit. Whether on refugees and migrant issues, gender issues, human rights, social justice or the environment, Scotland is leading the way—ahead of the UK.

Stephen Gethins: My hon. Friend makes an excellent point. Of course, the First Minister of Scotland will be speaking at the UN climate change conference tomorrow, which we very much welcome.

The success back in 2009 owed much to the cross-party, unanimous backing that the measures received in the Scottish Parliament, as well as the constructive and practical engagement from academics, the NGO sector, trade unions and the business community, working together. It would not have been as successful or world-leading without that cross-party commitment. In fact, during the 2007 to 2011 Scottish Parliament, the minority Government achieved a huge amount that got international recognition because—I will give credit to other parties—there was engagement with the opposition. I very gently remind Government Front Benchers that it is possible to make progress as a minority Government and it is possible to make progress on some of the biggest issues of the day.
The work on climate change back in 2009 received international plaudits from as far afield as Governor Schwarzenegger of California and President Nasheed of the Maldives. This was a good news story for the whole of Scotland, and it should have been a good news story for the United Kingdom as well, so it was very disappointing that the UK Government at the time chose to exclude the Scottish Government from being part of its delegation to the Copenhagen summit that my hon. Friend the Member for Lanark and Hamilton East (Angela Crawley) just mentioned. Ministers, including the First Minister, went and were able to tell their story anyway, but that was a missed opportunity in terms of the massive foreign policy challenge we had at the time, and it was due to the way the involvement of a devolved Administration was seen in Whitehall. That was disappointing, so I hope the Minister will consider the need to tackle problems such as climate change in new, inclusive and innovative ways through our network of embassies and by working together.

Perhaps a more transformational and pressing area of work in recent times has been that of peace building—conflict resolution and conflict transformation. It has been recognised in recent times that there is a huge role for non-state actors, as I have referenced already, and that civil society has a particular role to play. There has been a transformation in the way in which we see conflict in a 21st-century environment. Recent lessons from Iraq, Libya and elsewhere illustrate that the traditional state-to-state methods of peace building can never alone result in successful state building. I am sure that the Minister has reflected on that if he has read the Foreign Affairs Committee’s report from the last Parliament on the aftermath of the intervention in Libya that showed that many of the lessons from Iraq had not yet taken on board in relation to the Libyan conflict.

I encourage all MPs to read Mark Muller Stuart of the UN and Beyond Borders Scotland—an excellent organisation—on this subject, including his speech to the Royal Society of Arts in Edinburgh in November last year and an excellent article in the Sunday National yesterday. The Sunday National is a fine paper, and I hope that having read some of these thought pieces, the Prime Minister will consider inviting it to her next press conference. This is a really important point. Mr Muller Stuart puts it much better than I ever possibly could when he argues that Scotland should play a greater role in peace building, not least given our recent history and the constitutional journey that we have all made in recent years. Indeed, he even notes that the 2012 Edinburgh agreement is itself a conflict resolution instrument that has been looked at elsewhere in the world. It dealt with an issue, with a debate and a referendum, where there were very strongly held views that remain very strongly held on the SNP Benches and on the Conservative Benches as well. We need to realise that other people want to learn from this.

Stephen Gethins: I thank my hon. Friend. Scotland has an important role to play in the new landscape and in more imaginative ways that we need to tackle conflict. That came out of the Foreign Affairs Committee’s reports, and I know that the Minister himself has been reflecting on it.

I commend Beyond Borders Scotland and Mark Muller Stuart for recognising Scotland’s role in his work at the United Nations and bringing the First Minister on board with some of that work. That was seen most recently when Staffan de Mistura, the UN special envoy to Syria, decided that Scotland should host his women’s advisory body as part of its work around implementing Security Council resolution 1325. Let me quote from Mark’s article in yesterday’s Sunday National:

“On 5 May 2016, all party leaders in Scotland”—this was the day after the Scottish parliamentary elections, so full credit to all the party leaders—

“came together to welcome Syrian female peacemakers from both sides of the divide to the Scottish parliament with the support of the FCO. It was an event that was unlikely to have occurred in London. Following this collaboration, the First Minister committed the Scottish Government to provide funding for the training of fifty female peacemakers every year for the next five years with the support of the UN. This is but one example of Scotland’s growing standing and capacity to act in the service of peacemaking.”

I ask the Minister to reflect on that. Scotland’s First Minister has shown outstanding leadership in this area, which is dear and close to her heart. However, as with facing up to climate change, due credit must go to the leaders of all parties in the Scottish Parliament, who together, on the day after those Scottish Parliament elections—just imagine!—came together to work with peace makers from the troubled conflict areas in Syria. I give due recognition to all the leaders of the political parties in the Scottish Parliament for having done so. Perhaps that attitude in another Parliament of minorities can enable us, working together across the divide, to deliver these benefits. But maybe that is for a fuller debate another day.

Let me say quietly and gently that Scotland can also act as a bridge to Europe in these troubled times. We know that regardless of what happens next week, the relationship with our European partners—our key partners; our closest partners—has been damaged by Brexit, whether we like it or not, leavers or remainers. There is recognition that Scotland voted to remain and wants to remain engaged. Through our businesses, political institutions and others, Scotland can act as a bridge when we try to reconstruct, one way or another, that damaged relationship between the United Kingdom and its European partners.

Our responsibilities, given conflicts in recent years, mean that we need to reflect on the mistakes that have been made. I have reflected on the Foreign Affairs Committee’s comments on the response to Libya, and that can be seen elsewhere, such as the conflict in Iraq. I know, and the Minister knows, that there are many fine officials in the Foreign Office and elsewhere. I have met a large number of them, including the new ambassador to Myanmar and our ambassadors in Kiev and Tbilisi. They are excellent officials working in extraordinarily difficult situations. I also reflect on a meeting I had with the then ambassador to Libya, who was working incredibly hard in one of the most difficult situations imaginable.

Chris Law (Dundee West) (SNP): My hon. Friend is making a very valid point about what we can do postconflict. I had the opportunity, as part of the Westminster Foundation for Democracy, to visit Sri Lanka to talk about Scotland’s contribution. I raised that very point about the Edinburgh agreement and how peaceful it was. Sadly, Sri Lanka has not yet come to terms with its recent past. However, I would just like to echo my hon. Friend’s point.
At a time when the UK is facing mammoth challenges, it truly needs all the help it can get. I ask the Minister to consider the arguments I have made and how we can work together across all these islands to tackle some of the foreign policy challenges that we have in common in more imaginative ways, to help in areas such as climate change and conflict transformation. Thank you for allowing me this time, Madam Speaker.

8.44 pm

David Linden (Glasgow East) (SNP): It is a real pleasure to follow my hon. Friend the Member for North East Fife (Stephen Gethins), whom I congratulate most sincerely on securing this debate. I do not want to hold up the Minister this evening. I know that he, too, will be keen to rise to his feet, but I will keep him back for a little bit yet.

It was only when I was listening to my hon. Friend that I was brought to think a little bit more about the debate he has secured. If you will allow me, Madam Deputy Speaker, I want to mention one or two local groups, because I believe that when we talk about Scotland’s foreign policy footprint, it is not necessarily about diplomats or those in the Foreign Office in Whitehall, but in fact about our constituents who go all the way across the world and make such a valid contribution to our relationship with our friends across the world.

If I may, I want to refer to some conversations that I had fairly recently with school pupils in my constituency. First, I pay tribute to my alma mater, Bannerman High School. I visited it only this morning to present an early-day motion recognising the immense generosity of the east end of Glasgow, which has been fundraising for the Beatson. Bannerman High School has a long-standing relationship with Malawi. That point was raised by my hon. Friend the Member for Glasgow North (Patrick Grady), and I want to touch on that later in my remarks.

The school pupil I want to mention is a fine young lady, Keira Cameron, from the Baillieston area of my constituency. My first interaction with her was about a visit she was undertaking on behalf of her high school—St Ambrose High School—which is in the constituency of the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney). I think a third of the children in my constituency go to it because it is the local Roman Catholic high school. Keira’s family contacted me because they had some difficulties with her passport. Through the good offices of the Immigration Minister, we managed to get that ironed out and she was able to travel to Bangalore, from which she came back with a number of suggestions for me.

One of the issues I want to touch on is that of visas—not visas for, or migration by, people leaving the United Kingdom, but visas for people coming to the United Kingdom, specifically in relation to Malawi. I think my first ever debate in this House was on the relationship between Scotland and Malawi. It was quite fitting that my hon. Friend the Member for Glasgow North raised that, because there is an issue of equality. Frankly, we send lots of our young school students off to Malawi—they can go and do wonderful work there, and they often do—but there is an issue about students from Malawi being able to come here as well.

While on visas, I want to touch on an issue that I dealt with only last week. It relates to one of the fine churches in my constituency—there are a great many
of them. Parkhead Nazarene church is led by my good friend Pastor Ian Wills. He hosted an international conference in Glasgow this week, and once again he came up against the issue of the UK Government denying visas or conducting the process in a way that was not fitting. Again, through the good offices of the Immigration Minister, we managed to iron that out. I guess my fundamental point is that the way we treat people, particularly when they are coming to this country, sends a message about what kind of country we are.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): On the point about visas and the importance of building diplomatic relations, could there be any more stark an example than that of the Moldovan diplomats who were refused visas for this country, which has set back the UK’s negotiations in relation to the World Trade Organisation?

David Linden: Absolutely; I very much agree with my hon. Friend, to whom I pay tribute for his work as our spokesperson on immigration. He more than anybody in this group sees the complete shambles that is the United Kingdom Government policy when it comes to migration. I am sure he sees that on a daily basis, sitting on the Home Affairs Committee. As my hon. Friend the Member for North East Fife was speaking, I was reflecting on the attitude we have to others around the world—that welcoming, embracing spirit and relationship of equality—and such a point has been made.

Chris Stephens (Glasgow South West) (SNP): Is not one of the most modern examples that of Glasgow being the first city in the United Kingdom to award freedom of the city to the late, great Nelson Mandela? That led to South Africa voting for Glasgow to host the Commonwealth games in my hon. Friend’s constituency.

David Linden: My hon. Friend is absolutely spot on. I recall his early-day motion about Nelson Mandela, whom we and the people of Glasgow hold very dear. He is right to reference the Commonwealth games, which were an excellent opportunity for Glasgow and Scotland to build relationships with countries around the world. He is absolutely right to place that on record.

Stuart C. McDonald: Was not the use of Pride House another fine example of how the Commonwealth games were used to influence world politics? It managed to bring lesbian, gay, bisexual and transgender athletes together with politicians to make the case for equality to countries where that is perhaps still a struggle.

David Linden: Absolutely. I very much pay tribute to my hon. Friend. The hon. Member for West Aberdeenshire and Kincardine (Andrew Bowie), who is no longer in his place, spoke of being led down a rabbit hole, but it would go amiss if I did not use this opportunity to reference my recent correspondence with the Government of the Republic of Tanzania, which I had the great privilege of visiting in September 2017. The governor of Dar es Salaam has been deploying people on what would be called gay hunts. I have raised that issue with the United Kingdom Government through written questions and with Tanzania through correspondence. I was disappointed to receive a response from the Tanzanian Government only this week saying that while they did not necessarily agree with the governor of Dar es Salaam’s comments, they were not necessarily going to take any action on them. I very much hope that the United Kingdom Government will be able to take action on that, but I do not want to digress too far from the path of Scotland’s foreign policy footprint.

This morning, while out doing constituency visits, I had the pleasure of meeting Mr Ibraheem, who runs the Usave convenience store on Eckford Street. He has been here for 13 years. He runs the local newsagent, but he recently qualified as a solicitor. As I spoke with him in his shop in Tollcross, he reflected on how welcoming and embracing Scotland has been; he realised that when he lived in Pakistan. He decided that he wanted to come to the United Kingdom, and specifically Scotland, because of that warm embrace and that strong relationship. Scotland is not yet an independent country—it is coming, for all that—but we will be able to forge greater links when it is.

That leads me on rather nicely to the subject of the former Foreign Secretary, the right hon. Member for Uxbridge and South Ruislip (Boris Johnson). Last week, when I was travelling home on the sleeper train, I had the misfortune to watch the recent BBC documentary, “Inside the Foreign Office”. The right hon. Gentleman did not, during his travels, come across as the kind of gentleman that Scotland or the United Kingdom want to send to build relationships around the world. It is probably right that he should no longer be in that position. It angers me that he did not resign as a result of his deeply distasteful remarks about Sirte, which he said could be “the next Dubai” if the people there “clear the dead bodies away”.

He was allowed to get away with that. That is the kind of person we have had speaking on behalf of the United Kingdom and building relationships, and that reflects very badly indeed on Her Majesty’s Government.

On Brexit, there are severe challenges coming down the track. That has not been helped by the way that Her Majesty’s Government have pursued their Brexit negotiations. I think one or two colleagues might wish to follow me, so I shall conclude by saying that we do not know what the next couple of weeks hold in terms of Brexit, but having come off a plane only about two hours ago after spending the day in my constituency, it is crystal clear to me that people in Scotland realise that the only way for Scotland to have a proper, equal relationship with other nations is to rejoin the family of nations.

8.54 pm

Brendan O’Hara (Argyll and Bute) (SNP): I will be brief. I want to praise the excellent contributions from my hon. Friends the Members for North East Fife (Stephen Gethins) and for Glasgow East (David Linden). My hon. Friend the Member for North East Fife concentrated on the big picture: what Scotland as a nation and its institutions are doing to increase Scotland’s representation and foreign policy footprint in the world. What I would like to do, if I may, is look at individuals and small groups who are doing so much good in our communities. I mentioned earlier the role of Mary’s Meals. I make no apology for mentioning again its outstanding contribution across the world. It is currently feeding 1.3 million impoverished children every single day.
I would like to recount a story. A couple of years ago, shortly after I became a Member of Parliament, I received a phone call from a constituent with whom I had previously had no contact whatever. She had just become a mother and was up late at night because her baby could not sleep. Her name is Fiona Bennett and she lives in Oban. She contacted me to say that while she was up with her child who could not sleep she was listening to Radio 4. The most awful story came on the radio about the plight of the Yazidi people. A young mother with a young baby listening to a horrific story on Radio 4, she was so moved by what she heard on a late night radio programme that she decided to contact her Member of Parliament to see if there was anything that I or we could do.

Fiona and I decided that we could and would do something. Within a few weeks, we had together organised for the now world-renowned Nadia Murad to come to the United Kingdom. I arranged a visa for Nadia to come to the UK and speak in Parliament. Together, we began to raise the profile of the Yazidi people in this place. Recently, Fiona raised £300,000-worth of medicines to be sent to Sinjar—£300,000-worth of medicines sent to some of the poorest and most vulnerable people on this planet. It was because of my connection with Fiona that we in this House, in the past fortnight, established an all-party group on the Yazidi people. I am delighted that the hon. Member for Strangford (Jim Shannon) is a vice-chair of the group.

David Linden: I, too, attended the all-party group set up by my hon. Friend the Member for Argyll and Bute (Brendan O'Hara). He is too modest to say that he convened the all-party group and is organising an excellent event before the end of the year. I feel it is appropriate to put on record a tribute to my hon. Friend for those comments.

Brendan O'Hara: That is very kind and I thank my hon. Friend for those comments.

My point is that it is from small acorns that such good things can emerge. From that single phone call from Fiona and the seemingly innocuous situation of a baby unable to sleep, we now have an all-party group on the Yazidi people. On 12 December, the Yazidi community will be coming to Parliament to celebrate Nadia being awarded the Nobel peace prize. Nadia will be joining us via a live link from Oslo to speak to the all-party group and to the community. My hon. Friend the Member for North East Fife rightly made the case for how important big national organisations are, but we should never, ever lose sight of how important the action of an individual can be and the ripple effect of someone taking the time to get involved and saying they want change. Fiona is not alone in that. Across Argyll and Bute, there are many local organisations, and I single out the Mid Argyll Malawi Twinning Group. A lot has been said about Malawi tonight and there is great affection between Scotland and Malawi.

Angela Crawley: To speak on behalf of—or perhaps in place of—the hon. Member for Rutherglen and Hamilton West (Ged Killen), the David Livingstone Centre, which is situated in his constituency, showcases the links between Scotland and Malawi. In my constituency, there is also the New Lanark mill, which is a UNESCO world heritage site and which illustrates the outstanding universal value of these historical sites globally.

Brendan O'Hara: My hon. Friend is absolutely right. I commend the David Livingstone Centre—there is a marvellous opportunity for a day out; it is educational, informative and huge fun.

The Mid Argyll Malawi Twinning Group is there to increase understanding and to raise funds to help others. A couple of years ago, a team from the Mid Argyll churches visited Malawi, with enormous success. There seems to be a disproportionately large number of people in Argyll and Bute involved in helping Malawi, including the Imani Development Foundation in Oban, Netherlorn Churches and their “Seed for Life” campaign, and schools including Rothesay Academy, Dunoon Grammar School and the primary schools of Strone, Dalmally and Iona. The point I want to make is that although it is important that Governments get involved, and it is hugely important that NGOs get involved, let no one be in any doubt that without the involvement of individuals and without their stepping up and saying that they care and want to make a difference, none of this would be possible. Finally, let no one be in any doubt about the importance and success of people—individuals—getting involved, because if they do not get involved, I would argue that neither can NGOs or Governments.

Chris Stephens: Surely the crux of my hon. Friend’s argument is that there are constituents in every constituency in Scotland and the UK who care about foreign policy and want to address many of the injustices throughout the world.

Brendan O’Hara: My hon. Friend is absolutely right. I do not think that there is a constituency out there that is not chock full of people who recognise injustice when they see it and want to do something about it, but they have to believe—and be empowered to believe—that they can do something, and unless they do, they never will.

Chris Law: My hon. Friend is making some very valuable points about injustices in the world. We have heard about Nelson Mandela being awarded the freedom of the city of Glasgow, and that also happened in 1985 in Dundee. However, in September of this year, the people and the city of Dundee withdrew the freedom of the city for Aung San Suu Kyi, so this is a movable feast, and where there is injustice, Dundee will speak loudly.

Brendan O’Hara: I congratulate the people of Dundee on doing that. It is important that people recognise that we can, as a community, take a different view from time to time, and equally, we can change our minds from time to time.

Carol Monaghan: We have to remember that this issue is about not just individuals, but businesses in our communities. I make special mention of the satellite businesses that are in the constituency of my hon. Friend the Member for Glasgow Central (Alison Thewliss)—we have Clyde Space, established by Craig Clark; Spire Global, which has been set up in Glasgow from San Francisco; and Alba Orbital. The small satellites that they build are important and monitor things happening
on earth such as climate change, weather patterns and crop growth, which have a major impact on farmers, in particular, in the developing world.

Brendan O'Hara: I thank my hon. Friend; that is a classic example. We are all in this together, whether that means individuals, businesses, NGOs or national Governments. We all have a part to play and we must play that part.

Finally, I again put on the record my sincere thanks to my hon. Friend the Member for North East Fife for securing this debate on Scotland’s foreign policy footprint. It is hugely important and extremely well timed. Belatedly, on behalf of everyone on the SNP Benches, I wish the House a very happy St Andrew’s day.

9.4 pm

Alan Brown (Kilmarnock and Loudoun) (SNP): I congratulate my hon. Friend the Member for North East Fife (Stephen Gethins) on securing this debate and making such an eloquent speech. I also commend other hon. Friends for making such powerful contributions, making up for the collapse of business tonight.

David Linden: I just wanted to note that for one hour now the House has been debating Scotland’s foreign policy footprint, which indicates that this is a meaty topic in Scotland and sends a very strong signal.

Alan Brown: I agree fully. Luckily, off the back of business collapsing, we have been able to have a much broader and fuller debate than normal, instead of having to squeeze in extra time.

I will be relatively brief.

Hon. Members: No!

Alan Brown: Depending on interventions, of course.

I want to focus on Scotland’s place in the world but with a view to my constituency. Among other historical figures, my hon. Friend the Member for North East Fife mentioned the iconic William Wallace. The House might be interested to know that he was born in Ellerslie in my constituency—anybody who goes to the Wallace monument will see that it is deemed the most likely place of his birth. In later years, another village in Renfrewshire called Elderslie tried to claim him, but William Wallace was born in my constituency in Ellerslie. I wanted to get that on the record.

Chris Law: I am glad my hon. Friend has mentioned William Wallace. His birth place being Elderslie, I managed to give a speech at the annual meeting this year. I want to put it on the record that William Wallace was educated in Dundee city and even committed his first act of rebellion there. In fact, the first castle occupied and wrecked a castle in Dundee, which is an interesting concept.

Stewart Hosie (Dundee East) (SNP): My hon. Friend the Member for Dundee West (Chris Law) forgot to mention the international water law centre in Dundee University under the auspices of UNESCO. Does not all this demonstrate not only the wonderful and historic meanderings of William Wallace, whom we all admire, but—bringing us right up to date—that our foreign policy footprint is profound, useful and good in many places around the world?

Alan Brown: Of course. Dundee is making a further cultural contribution to the world by way of the newly opened Victoria and Albert museum. I think that brings everything full circle.

Brendan O'Hara: It is important to put on the record how fortunate my hon. Friend is that it is you in the Chair, Madam Deputy Speaker, and not the right hon. Member for Epping Forest (Dame Eleanor Laing), who was born in Elderslie. Had she been in the Chair to hear the awful slur that William Wallace was not born in Elderslie, indeed William Wallace’s fate might have seemed tame by comparison to what she would have done.

Alan Brown: I do not thank my hon. Friend for that intervention.

William Wallace fought for Scotland’s freedom, but, on Scotland’s place in the world, he also recognised the need for diplomacy, and he himself travelled to Europe to conduct negotiations. Scotland’s history is littered with people defending the rights of Scotland but recognising the need to co-operate with other countries around the world.

That takes us to Robert the Bruce. He, too, recognised the need for diplomacy. After the Battle of Bannockburn, he lobbied the Pope and worked with other leaders to get Scotland rightfully recognised as an independent country. That eventually culminated in the treaty of Arbroath, the declaration of independence, which, in a wider context, is deemed to be the model and inspiration for the United States discussion. That is something else that Scotland has given the world.

Stephen Gethins: My hon. Friend has made an excellent point. Is he also aware that the international organisation of the day, the Vatican, recognised Scotland as a filia specialis of the Church?

Alan Brown: I was, but I did not know the exact terminology, so I thank my hon. Friend for his intervention.

Patrick Grady: May I pursue the point made by our hon. Friend the Member for North East Fife (Stephen Gethins)? The declaration of Arbroath took the form of a letter to the Pope, recognising Scotland’s place in the world and recognising the Pope as, at the time, the highest global authority. Scotland’s taking its place in the world has always involved an internationalist rather than a simply nationalist outlook: our independence is about our interdependence with other countries.
Alan Brown: I agree. Of course, Scotland was always a trading nation, trading with the other European countries, and we want to maintain those trading links. That is another illustration of the concerns about Brexit. We have long been a European nation. Our vote in the EU referendum confirmed our European outlook, and we should not let that European outlook be taken away against the wishes of the Scottish people.

David Linden: My hon. Friend is right to raise the issue of trade. We hosted Small Business Saturday recently. I do not necessarily want to speak about small businesses, but a serious issue would be posed for Scotland if the United Kingdom Government continued down this disastrous path of ripping us out of the single market and the customs union, and also if Northern Ireland were given special status. In that event, companies would obviously feel the need to invest in Belfast, which would give them unfettered access to the Republic of Ireland. My hon. Friend is right to express concern that Scotland’s status as a trading nation could be damaged as a result of the hard Brexit pursued by the Conservative party.

Alan Brown: It is ironic that Northern Ireland could potentially have special status and gain real advantages because the UK wants to maintain the common travel area within Ireland, which allows Irish citizens—EU citizens—to move freely into Northern Ireland, and allows Northern Ireland citizens to move freely back into Ireland. Of course, they are supposed to be able to come to the United Kingdom as well, but this means that Northern Ireland will maintain what is effectively European citizenship, and free movement, which will give them an advantage that we do not have.

Chris Stephens: I thank my hon. Friend for mentioning the declaration of Arbroath and the links with the United States of America. Will he say a bit about why trade is important, given that 6 April is known in America as Tartan day?

Alan Brown: Let us take the principle of free trade. Free trade allows people to trade goods for the benefit of others. It helps to create and distribute wealth, as long as it takes place fairly and equitably. That is key to what we want from Brexit. We cannot afford to be under World Trade Organisation rules. We cannot afford to have a UK Government who will allow cheap imports that will undermine standards in the UK and undermine Scottish farming. Trade is indeed important, but it must be equitable and without prejudice to the parties involved.

Stewart Hosie: My hon. Friend is making an excellent speech, and he is being very generous in giving way. The title of the debate is “Scotland’s Foreign Policy Footprint”, and he has made some serious points about that, but is not the foreign policy footprint also about the individual Scots who travel and share their emotions and their humanity around the world? Would not the best thing we could do for a “near” foreign policy footprint be to maintain the free movement of people, so that our children and grandchildren could enjoy the free movement throughout the European Union that we enjoy today?

Alan Brown: I agree wholeheartedly. Of course free movement of people is a good thing, and I do not understand for the life of me why the UK Government are trying to make this a central Brexit plan. Many of us have benefited from free movement. For instance, many students have benefited from Erasmus, which has enabled them to study abroad. Free movement widens cultural understanding, adds to our intellect, adds to our sharing, and, indeed, adds to worldwide co-operation.

I shall turn now to further Scottish impacts on the world. As was mentioned in an intervention, we had the Scottish enlightenment period when Scotland really did lead the world in terms of philosophy and modern thinking. Two of the people involved in that were David Hume, who was a fantastic philosopher, and Adam Smith, who we all know wrote “The Wealth of Nations”. What Adam Smith meant in that book is often misquoted. He looked at developing wealth but also having what we would now call corporate responsibility and an understanding of the behaviour of mankind. Adam Smith looked at human behaviour and the need for what he saw as a capitalist society, but one that was also a fair society. We need to remember that.

Carol Monaghan: Many would say that the Scottish enlightenment was one of Scotland’s greatest contributions to the world. In that period, Scotland’s literacy levels were leading the world, because there was a parish in every village. As a result, Scotland in the 17th century had five universities whereas England had only two. That allowed Scots to go out into the world, to develop intellectually and to put their footprint on the world stage.

Alan Brown: I agree wholeheartedly and could not have put it better myself. Literacy rates in Scotland were something to be proud of, and Scotland had a fantastic newspaper tradition following that, because so much of the population could read, and that further developed their understanding of what was going on in the world and stimulated further debate and conversations.

Another figure of the Scottish enlightenment was James Boswell, who was born in Auchinleck, coincidentally in my constituency. He was the first person to write a new groundbreaking kind of biography when he wrote the biography of Johnson.

I really wish I could have been around at the time of the Scottish enlightenment, because it often involved people gathering at somebody’s house, and the host would bring in loads of bottles of wine, and they would share the wine and feast and debate and make notes and then reconvene the next night. Scotland has also given the world that ability to socialise, share a drink in convivial surroundings and enjoy such discussions.

Carol Monaghan: One of the great post-enlightenment scientists was James Clerk Maxwell, now known as the father of electromagnetism, which has gone on to become photonics and has led to the development of lasers and great science across the world. James Clerk Maxwell went to Cambridge University after Edinburgh University. At Cambridge, he was told he had to be up for 6 o’clock service on a Sunday morning and reputedly said, “Aye, I think I could stay up that late.” Such is the contribution of Scots.

Alan Brown: That is a fantastic anecdote that proves the point.

Clearly, Scotland joined the treaty of Union in 1707, and we have heard contributions from both sides of the House about the benefits or otherwise that that brought.
It is fair to say that many people did benefit after the treaty of Union and from the British empire, but something that has not been spoken about in terms of Scotland’s footprint as part of the British empire is that, unfortunately, some of that came from Scots also being involved in slavery and the exploitation of resources in other countries. Many Scots were part of the British Army, which was used to control indigenous populations and allow exploitation. We must admit this and reflect on that history, and always learn from what happened in the past.

At the church in the village of Newmilns, where I grew up, there flies an American flag. It is a replica of a flag awarded to the village of Newmilns by Abraham Lincoln in recognition of the support the Newmilns Anti-Slavery Society gave to the US union side. So while some Scots were involved in slavery, I am very proud to say that Scots were also very active in the anti-slavery movement. I also welcome the fact that there are now moves to further recognise Scotland’s involvement in the slave trade and what that meant at the time. I pay tribute to Glasgow University in this regard, because it has published a list of donors who gave money to the university and recognises the fact that some of the money came from their involvement in the slave trade.

Patrick Grady: My hon. Friend mentioned Glasgow University, which is in my constituency. The declarations that have been made about the university’s associations with the slave trade are hugely significant. Glasgow has had a global footprint since its founding, and it continues to do so even in today’s modern world.

Alan Brown: I thank my hon. Friend for that intervention. As someone who went to Glasgow University, I am proud that it has made that recognition. I am glad to see you back in the Chair, Mr Speaker. I might be winding up very soon.

Gavin Newlands: As one of Renfrewshire’s MPs, I would not like my hon. Friend to sit down without clarifying for the record that both he and my hon. Friend the Member for Dundee West (Chris Law) are talking mince. William Wallace was born in Renfrewshire and educated at Paisley Abbey, no less. Does he accept those facts?

Alan Brown: No! Clearly, I do not accept my hon. Friend’s facts. I am sure that William Wallace was born in Ellerslie in Ayrshire.

Before I conclude, Mr Speaker, I want to go back to the village of Newmilns where I grew up. It was another of Scotland’s lace centres, and one of the companies there, Johnstone Shields, built a lace factory in Gothenburg. The guys went out there and founded Gothenburg FC. Effectively, they founded football in Sweden. They also founded a factory in Barcelona, and I would like to be able to claim that they founded Barcelona FC, but that is not quite true. They did found a football team in Barcelona, and it did play the mighty Barcelona FC. I am sure it taught Barcelona everything it needed to know to become the blueprint for the successful team of the future.

There have been other contributions from my constituency. Alexander Fleming was born in Darvel. He discovered penicillin, which has saved so many people around the world. Andrew Fisher, from Crosshouse, became Prime Minister of Australia, and Kilmarnock Academy is the only school in Scotland to have produced two Nobel prizewinners. As we said earlier, education is very important. Scotland has given a great many inventions to the world, but collaboration goes along with that, and we do not want Brexit to risk that collaboration in education and entrepreneurship around the world.

Chris Stephens: Surely the best contribution that Scotland has given to the world is the greatest Ayrshireman ever: not my hon. Friend, but Robert Burns.

Alan Brown: I would agree with that wholeheartedly. Mr Speaker, you were unfortunate not to hear all that I said about the contribution that my constituency and Scotland have made to the world, but you will be able to catch up with it in *Hansard*. I will now conclude my remarks.

*Debate interrupted*
Speaker’s Statement

Mr Speaker: Order. Just before I invite the Minister of State to reply to the Adjournment debate, I want to say the following. I have received a letter signed by the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), the hon. Member for North East Fife (Stephen Gethins), the right hon. Member for Carlisle (Tom Brake), the right hon. Member for Belfast North (Nigel Dodds) and the hon. Members for Arfon (Hywel Williams) and for Brighton, Pavilion (Caroline Lucas). I have also received a letter within the last 10 minutes from the Attorney General. The letter that I received from the Members mentioned at the start of this statement asks me to give precedence to a motion relating to privilege in relation to the failure of Ministers to comply with the terms of the resolution of the House of 13 November—[Interruption.] I will just wait until the Government Chief Whip has finished his conversation with his ministerial colleague. It would seem courteous if he could just hold off for a moment and allow me to make my statement. That would perhaps appear to show the proper politeness. I have considered the matter carefully, and I am satisfied that there is an arguable case that a contempt has been committed. I am therefore giving precedence to a motion to be tabled tonight before the House rises and to be taken as first business tomorrow, Tuesday. It will then be entirely for the House to decide on that motion.

Scotland’s Foreign Policy Footprint

Debate resumed

9.24 pm

The Minister for Europe and the Americas (Sir Alan Duncan): I am grateful to the hon. Member for North East Fife (Stephen Gethins) for securing this debate—or at least I was at the outset. I pay tribute to him for his valuable work as a member of the Foreign Affairs Committee and as the Scottish National party’s foreign affairs spokesman. My father and many Duncans before him were born and brought up in Caithness, so I share the hon. Gentleman’s pride in Scotland’s contribution to the United Kingdom’s international work. I am happy to join him in celebrating St Andrew’s Day, although I must say that his notion of the soft power of Robbie Burns’s poetry solving the conflicts in Georgia rather stretched me.

Marion Fellows: Will the Minister give way?

Sir Alan Duncan: No, I will not. [Hon. Members: “Oh.”] I have only just started, for goodness’ sake, and the party has been going in full flight for nearly two hours.

Having spoken to the hon. Member for North East Fife earlier today, I appreciate the need to distinguish the Scottish contribution from the English, Welsh or Northern Irish, because my view and the view of this Government is that our job and that of the Foreign and Commonwealth Office and other Departments is to harness all the UK’s soft power and other assets for the benefit of the Union as a whole. I will now give way to the hon. Lady who was trying to intervene a moment ago.

Marion Fellows: If the Minister is going to talk about our national bard, will he please refer to him as Rabbie Burns?

Sir Alan Duncan: I am happy to describe the hon. Lady and her party in any way that she wishes. She knows me well, and I always wish to observe the courtesies of this House and courtesies to those across the Floor of the House. I hope that I have always shown that, and indeed the tone of this debate is that we wish to express certain things in a collegiate way.

I was grateful to the hon. Member for North East Fife for contacting me in advance of the debate to give me an idea of what he intended to say. Despite having spoken to him, I did not fully anticipate what everyone else on the SNP Benches intended to say, nor the length or the imagination with which they would contribute to a debate entitled “Scotland’s Foreign Policy Footprint”. It seemed that the hon. Gentleman wanted to name every distinguished Scot born in his constituency, and the soft power of Scottish education that I have enjoyed this evening is very much down to his knowledge and his wish to impart it to the wider world at this extraordinary hour in the House of Commons. I have learned more about William Wallace than I ever learned at school, and about all the other names from his constituency. I cannot totally pronounce them all, but I think I heard him right.

I genuinely speak as someone with a Scottish heritage. My late aunt was a Church of Scotland medical missionary for 30 years. She was teaching basic health in Nepal,
Sikkim, Bhutan and Tibet 40 years ago, telling people how to wash their hands and drink fresh water. That is an example of the soft power of Scottish origin that all the SNP Members were trying to illustrate tonight.

Brendan O’Hara: I commend the Minister’s aunt’s work. He may want to hold on to his hat, because I just read in the Scottish Catholic Observer—my former employer—that the UK Government announced today that any contribution to Mary’s Meals between now and 1 March will be doubled under the “Double the Love” campaign. I give credit where it is due, Minister.

Sir Alan Duncan: I am grateful to the hon. Gentleman for giving credit where it is due. It is very much an illustration of the legacy from my time as an International Development Minister, when in many areas we tried to have match funding. We thought that match funding—“double the love,” in his words—is a good way of raising money. The Government saying that they would double the money encouraged people to give. For non-governmental organisations doing the sort of work that has been described tonight, people giving is a good thing. Where the Government can enhance what people have given, it doubles the love and therefore doubles the efficacy of some of the very good work done by NGOs across the country.

When I was an International Development Minister, I went to Scotland especially to meet all the Scottish NGOs to make sure they were not ignored by the central system in Whitehall, which somehow thinks it is only central money that matters. Of course, the Department for International Development has a massive headquarters in Scotland. I wonder whether the Member for that constituency is here tonight, in which case it would be good to hear them sing the praises of DFID’s headquarters—I think it is in East Kilbride, which I visited on many occasions to see the good work being done from that Scottish centre of excellence.

The hon. Member for North East Fife particularly focused on conflict prevention, which is a very important area. People somehow think that the only way to stop conflict is if the big forces of government do things, but actually it goes far deeper. Empowering women, having girls in education and making sure that women are included in any sort of peace process are essential for concluding conflict and making sure that the peace thereafter is properly embedded in societies where conflict has been ended. In the absence of women being included, a conflict resolution will never endure.

I applaud the hon. Gentleman’s focus on conflict resolution and, indeed, on conflict prevention. One could argue that NGOs that can go in and make sure that conflicts do not happen in the first place do far more good than those that have to go and mop up afterwards. The cost of a conflict is many times the cost of spending money and investing resources to prevent that conflict in the first place.

The UK Government are committed to building peace and stability around the world, and we wish to draw on the best of British expertise from across the UK as well as overseas.

Mark Menzies (Fylde) (Con): My right hon. Friend talks about drawing on British expertise, but among that there is a considerable amount of Scottish talent. Indeed, many of our embassies, high commissions and international development teams are staffed, and often headed, by incredibly talented Scots. Perhaps he should recognise the talent and depth of talent in the diplomatic community that emanates from Scotland.

Sir Alan Duncan: I most certainly do. My hon. Friend was my Parliamentary Private Secretary when I was an International Development Minister. When I was briefed in DFID, around many a table were people with Scottish voices. Their knowledge is amazing and their contribution is special, and I always valued the advice I got from such officials.

In passing, I congratulate my hon. Friend on his appointment as trade envoy to Argentina. I am proud of the progress we are making with Argentina. The joint communiqué in 2016 began to build friendship 30 years after the conflict in the Falklands. We are now making very good progress, and I am delighted that, as the Prime Minister was flying to the G20 only last week, we were able to announce that we have further flights going to the Falklands as a result of the good relations that are now being built between the UK and Argentina.

As the hon. Member for North East Fife and my hon. Friend the Member for Fylde (Mark Menzies) have said, Scottish people and the Scottish Government have played a part in so much peace building and stability—

Dr Caroline Johnson (Sleaford and North Hykeham) (Con) rose—

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. Just a second. Please at least give it a little longer before intervening. I understand that things are in play, but I am sure Sir Alan will keep it going. Let us hear a little more of the debate before everybody starts intervening. In fairness to Mr Menzies, he did come up to me to ask permission.

Sir Alan Duncan: I am sure Members will do exactly as you request, Mr Deputy Speaker, despite the challenge you are now making me face.

Let me pay proper tribute to some of the successes of the Scottish Government. For example, they hosted Syrian peacemakers in 2016 and provided funding to train 50 peacemakers a year. Those peacemakers were women, and it is very good that they were. I congratulate the Scottish Government on the way in which they shaped that important peacekeeping initiative. Similarly, I wish to highlight the willingness of the Northern Ireland Executive to share their experience of the Good Friday agreement and of community reconciliation with our international partners.

Let me draw again on my experience as an International Development Minister, as I was deeply involved in the peace talks in Nepal. In drawing together former combatants, the experience of Northern Ireland perhaps most persuaded some of those who had been fighting each other to lay down their arms, hand them in and move into camps where they could gradually start the process of reintegration into civil society. The experience of Northern Ireland contributed massively to the current peace in Nepal, so the experience of all the UK can add importantly to peace making and conflict resolution.

Members have alluded to soft power, for which the UK is rightly held in high regard. I have always argued that one of the most important elements of soft power
that the UK enjoys, perhaps above all other countries, is the integrity and honesty of our diplomatic network abroad. When a British ambassador says something, we know that they are looking at the best interests of the world and trying to solve problems rather than stir them up. We see so many other countries—I could name one in particular—that, whenever they see a problem, like to try to make it worse, whereas when we see a problem we want to solve it. When we see something going wrong we want to put it right. The integrity and effectiveness of our international network and our network of ambassadors contributes enormously to the betterment of the world in that regard.

Sir Alan Duncan: My hon. Friend will appreciate that, of all people, am someone who likes to be able to punch above his weight—perhaps he tries to punch below his height. He rightly says that the effectiveness of our Foreign Office diplomatic network is massive. I very much hope that if right hon. and hon. Members have not seen the three-part series on the Foreign Office that concluded last Thursday on BBC2, they will play it back, because they will see the amazing effectiveness of the UK’s soft power. There was an amazing programme that showed how the consular staff rescued people in the British Virgin Islands after the hurricane, and how they managed to extract someone who was going to be a victim of forced marriage in Baghdad. That soft power has a dramatic effect not just on countries but, importantly, on the lives of individuals.

James Heappey (Wells) (Con): Does the Minister agree that one way in which the UK shows the breadth of our culture and the richness of all parts of the United Kingdom is by recruiting people into the diplomatic service from all nations in the United Kingdom, so that they can represent the whole United Kingdom overseas rather than just England?

Sir Alan Duncan: I totally agree with my hon. Friend. Friend, who has experience of the armed forces, in which the same principles apply. No part of the United Kingdom should be forgotten about or left to one side when it comes to recruitment to Whitehall, Government Departments or our armed forces—or, I hope, to any company—because we are a united kingdom and all four parts of it should be equally valued and used to the benefit of the whole.

In 2018, we returned to the No. 1 spot in the Portland soft power 30 index. Soft power is at the heart of our global Britain agenda.

Stephen Gethins: The Minister is quite right to commend officials in the Foreign Office. He mentioned “Inside the Foreign Office”, may I commend in particular those whom we saw advising the previous Foreign Secretary, the right hon. Member for Uxbridge and South Ruislip (Boris Johnson)? They were seen doing an excellent job in that programme. May I also welcome so many colleagues to the Chamber? It is a shame that they missed the entirety of the debate, but they are welcome nevertheless.

Sir Alan Duncan: I am happy to commend all those officials who advised the former Foreign Secretary on the skill with which they did so, often in very challenging circumstances.

Soft power is very much at the heart of the global Britain agenda.

Mark Menzies: Will my right hon. Friend perhaps say something about the role of the British Council? It often works hand in hand with the Foreign Office to project British soft power and culture. It is also important to recognise the unique nature of Scottish culture and the British Council’s role in promoting it.

Sir Alan Duncan: My hon. Friend is absolutely right. Soft power is an important asset in the building of relationships with people and nations around the world that help us to secure our global influence. It promotes our prosperity and ultimately protects our people. The British Council is an important part of that network.

Jeff Smith (Mid Worcestershire) (Con): Before the Minister moves on from the important topic of soft power, will he join me in expressing great pride that in taking the No. 1 soft-power position the UK pushed France down to No. 2 and Germany to No. 3? What
role does he believe that great British institutions such as the BBC and our arts and culture can play in making sure that we retain that No. 1 spot?

Sir Alan Duncan: I am very grateful to my hon. Friend for making that point. Although I stand here as a Foreign Office Minister, soft power goes far beyond the Foreign Office. Soft power and our influence and the respect in which we are held and therefore the manner in which we can have some bearing on the course of international events is not just a matter of departmental activity on the part of the Foreign Office; it is also, of course, international development where we are the only major western economy to commit to spend 0.7% of our GDP on international development. I have to say that I was very proud to have spent four years as an International Development Minister at a time when that 0.7% commitment was first being applied, which coincided with the Arab spring and what was happening in Syria. Essentially, we turned on a sixpence in order to commit the best part of £1 billion, and subsequently more, to relieve the suffering of people hit by conflict and instability.

Dr Johnson: I thank my hon. Friend for giving way. He talked about recent events, so will he update us on how the recent event at the G20 has had an impact on foreign policy both for the whole UK and for Scotland in particular?

Mr Deputy Speaker: I think that we will stick with the Scotland part.

Sir Alan Duncan: There are people of definite Scottish heritage in Argentina and therefore the obvious link with the topic of this debate is absolutely clear, as Mr Deputy Speaker will, of course agree—I hope. The G20 is very important. The fact that we were there in Lima Group to try to improve what is happening in Venezuela. We are working very closely with the UK making its mark on what we hope will be an improvement in events there. We are working very closely with the Lima Group to try to improve what is happening in Venezuela. I am sure that the soft power of Scotland will want to play its full part in resolving Venezuela. I hope that there is no coincidence of political opinion between anyone on the SNP Benches and President Maduro.

Stephen Gethins: When it comes to Scottish links with South America, may I recommend to the Minister the film “Nae Pasaran”, which is about the workers in Scotland standing up to the Pinochet regime.

Sir Alan Duncan: I, of course, hear what the hon. Gentleman says.

Kevin Foster (Torbay) (Con): On a point of order, Mr Deputy Speaker. I apologise for interrupting this fascinating debate. Mr Speaker’s announcement earlier this evening of the contempt motion to be considered tomorrow, is obviously quite a rare thing. As a relatively new Member, it is not something that I have experienced before. Given your procedural excellence and extreme knowledge of this area, I am sure that you will be the best person to advise me. What would be the procedure if a Member wished to table an amendment to that? Could it be done as a manuscript amendment tomorrow given that this is quite a new thing and quite a significant motion? I felt that it was appropriate to raise it on the Floor of the House and ask for guidance on this point.

Mr Deputy Speaker (Sir Lindsay Hoyle): What I will say is that there is still tonight to go, so it is possible tonight, and a manuscript amendment as you well know, which is why you have asked me the question, subject to the Speaker’s agreement tomorrow.

Paul Masterton (East Renfrewshire) (Con): First, let me give my apologies. I was so assiduously preparing for tonight’s debate that I did not notice that it had started two and a half hours early. I am very pleased to talk about the soft power through international aid, with the Department for International Development being based in East Kilbride, in the neighbouring constituency to East Renfrewshire. Will the Minister join me in paying tribute to all the fantastic people who live in East Renfrewshire who travel into East Kilbride each day to work for DFID?

Sir Alan Duncan: I urge my hon. Friend not to worry too much about being two hours late; he did not miss that much before he came into the Chamber. It seems to have livened up somewhat since he did, so I am grateful to him for coming here to add an extra spark to our proceedings. Of course, he also gives me the opportunity to acknowledge exactly what he said. Indeed, when it comes to those in Scotland who work in NGOs, in DFID and in all the charities that do so much good across the world, whatever teasing there has been across the Chamber tonight, I think we all agree that we should salute those who do such good work.

Damian Green (Ashford) (Con): Will the Minister give way?

Mark Menzies: Will the Minister give way?

Simon Hoare (North Dorset) (Con): Will the Minister give way?

Sir Alan Duncan: I am spoilt for choice but, on the grounds of seniority, I will give way to my right hon. Friend the Member for Ashford (Damian Green) first.

Damian Green: I am grateful to my right hon. Friend for that remark about my age. Let me extend the point made by my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) about soft power in relation to the creative industries, especially TV. The particular relevance to Scotland is that the TV industry was, in a way, invented by John Logie Baird, and I understand that Scottish colleagues are particularly proud of this contribution. Actually, it has been one of the great institutions that Britain has given the world. That has improved Britain’s reputation and extended our influence throughout the world, and still does today.

Sir Alan Duncan: My only complaint about John Logie Baird is that I am not on his great invention nearly enough, but I will endeavour to be so more.

Victoria Prentis (Banbury) (Con): When we are talking about the soft power that we give across the world, does the Minister share my concerns about the teaching of modern languages, particularly in Scotland, where the number of children taking foreign language GCSEs has fallen even further than in the rest of the UK?
Sir Alan Duncan: I totally agree with my hon. Friend. Indeed, language teaching is extremely important for the effective deployment of soft power. The teaching of the English language is—

Carol Monaghan: Will the Minister give way?

Sir Alan Duncan: If I can just complete the sentence, I will be very happy to give way to the hon. Lady, who has been very active tonight and is clearly approaching this debate with enormous enthusiasm.

Teaching English as a foreign language is massively important as it competes with other languages across the world, but remains the most dominant and important language in it. This is where the British Council does so much good. I never cease to be amazed when I visit another country—as a Foreign Office Minister, or as I did when I was a DFID Minister—to see the enthusiasm with which people queue up to benefit from British Council courses to learn English. It would be a disaster if we were ever to turn our backs on this massively effective effort. Of course, we are not in any way choosy about the accents that are taught; what matters is that the language is there. It really is amazing the way that people lap up the opportunity to learn and do so with great enthusiasm.

Simon Hoare: A moment ago, the Minister mentioned NGOs and the work that we do in all parts of the United Kingdom to help and support countries overseas. He also mentioned Venezuela. There is growing concern about an enormous diaspora of need fleeing out of Venezuela, away from the regime there. What role does my right hon. Friend see for those who are working within our NGOs, under the DFID umbrella and elsewhere in ensuring that the philanthropy for which the United Kingdom—including Scotland—is known can come to the fore to provide the help, support and succour that those persecuted people in a communist country now need?

Sir Alan Duncan: I hope that Scotland, in looking at the priorities it sets for the deployment of its soft power resources, can appreciate that Venezuela is rising up the ladder of need and desperation. Scotland has a very close development programme association with Malawi, which I supported when I was an International Development Minister. It was of a scale that Scotland could sensibly do, and there were therefore results. It is very important, when having a development plan, to make sure that when we put the money in, we really do get the results out and get effective outcomes.

David Linden: The Minister is spot on to reference Malawi. While he is on that subject, can he tell us where the United Kingdom Government are with sorting out the 1955 double taxation treaty?

Sir Alan Duncan: I have to confess that I am not the world’s greatest expert on the 1955 double taxation agreement, but I note what the hon. Gentleman says. Whether it is immediately pertinent to the debate is beyond me. [Interruption.] He says that it is. However, I will, if I may, confess to less knowledge about the taxation agreement than he would wish—although he probably wishes that I knew even less.

Mark Menzies: My right hon. Friend is right to raise the humanitarian crisis in Venezuela. Will he pay tribute to the Scots who are actively involved within our diplomatic mission in Bogotá? The deputy head of mission and the head of our prosperity fund are two Scots among many who are playing their role at the forefront of the emerging crisis of the Venezuelan refugees seeking refuge in Colombia and beyond.

Sir Alan Duncan: My hon. Friend is absolutely right. I know there will be a further chance to discuss this tomorrow in Foreign Office questions, but it is a matter of deep seriousness. I have had Scottish Members of Parliament come to see me particularly about the Colombian peace process. They feel that they can have a significant influence on that peace process by imparting some of their experience in the area and by using NGOs and working with them to do something. The Colombian peace process is facing some threats and difficulties. Around the region, there is a danger of further disintegration because of Venezuela. Countries next door to it have received hundreds of thousands of people—in some cases, more than 1 million—who are fleeing an utterly man-made economic crisis.

Bill Grant: Will my right hon. Friend share with me some of the successes of Scotland such as Robert Burns; Alexander Graham Bell; John Logie Baird; James Keir Hardie—dare I say it?—the Labour party founder; Sir William Arrol, who worked on the Titanic and the Forth rail bridge; and two Nobel prize winners from Kilmarnock Academy, one of whom was Sir Alexander Fleming? These individuals are a great success for Scotland, with the common bond that they were all part of the United Kingdom.

Sir Alan Duncan: My hon. Friend is absolutely right. The history of invention from Scotland almost beggars belief. You can go on a steam engine, had you one nearby, knowing that it had been invented by James Watt; you can speak on a telephone, invented by Alexander Graham Bell; and if you are ill, it is Mr Fleming’s penicillin that could probably save you. That is but one of many, many Scottish inventions that we applaud and salute.

Chris Law: I want to ask the Minister a serious question. While we filibuster towards the end of this debate, which is of course what we are doing, I would like to make a point about trade envoys. I am looking at the Government’s record. Since 2012, they have had 32 trade envoys for 62 countries, and they are cross-party, yet the SNP is not included. Does the Minister agree with my suggestion that the SNP should be included, from this day forward? We look forward to our first trade envoys.

Sir Alan Duncan: I answer for the Foreign Office, not for the Department for International Trade, so the hon. Gentleman would have to address such a question to a Minister in that Department.

Simon Hoare: I am grateful to my right hon. Friend for giving way. He is being uncharacteristically generous with his time—and what a lot of time he has to be generous with. He is a long-serving Member of this
House. Would he share with the House the emotional response that he had when those great inventions were actually invented?

Sir Alan Duncan: Despite my ageing looks, I can assure my hon. Friend that I was not there at the time of the invention of the steam engine or, indeed, the light bulb. I missed the invention of penicillin by a whisker, but I am sure there will be future inventions that coincide with my lifetime.

10 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed. That this House do now adjourn.—(Iain Stewart.)

Sir Alan Duncan: By some extraordinary act of fate, I seem to have got a second wind.

Simon Hoare: May I advise my right hon. Friend that they produce tablets for that now as well?

Sir Alan Duncan: No doubt invented and made in a laboratory in Scotland.

Dr Johnson: Earlier this year, I was fortunate enough to go to the Falkland Islands with the armed forces parliamentary scheme. The Minister has spoken so much tonight about foreign policy and South America. While I was in the Falkland Islands, I met constituents of mine from Lincolnshire and also constituents from Scotland working at RAF Lossiemouth. Can the Minister update us on the new air bridge between the Falkland Islands and Argentina?

Mr Deputy Speaker (Sir Lindsay Hoyle): Let us at least try to address the issue. If Members do not have a question that links to it, they should not bother.

Sir Alan Duncan: I could, but my negotiating skills are such that I did not negotiate a route taking it from Brazil to Argentina via Scotland. Mr Deputy Speaker, we will of course speak directly to the topic at hand, and we respect your judgment that we should continue to talk about Scotland’s foreign policy footprint.

Kirstene Hair: To go back to the point about great inventors from Scotland, does my right hon. Friend share my pride in Robert Watson-Watt, who was a lead developer in radar and comes from my constituency—in fact, my home town of Brechin?

Sir Alan Duncan: We may well have a competition among Government and Opposition Members over which great Scottish inventions emanated from their constituencies. I of course acknowledge what my hon. Friend said.

The cultural diversity and international prominence of our constituent nations, cities and regions, particularly in areas such as tourism, culture, education, trade and sport, is becoming increasingly important and recognised on the global stage. As I said to my right hon. Friend the Member for Ashford (Damian Green), we are actively promoting the devolved nations abroad, and that continues to be a priority for the Government.

The GREAT campaign remains our most iconic brand and has delivered an estimated £4 billion of economic returns to the UK economy. I am sure there are many examples of what the GREAT campaign has done.

Alex Chalk: Scotland’s power and influence are best projected as part of the United Kingdom; that is the view of Government Members. There are lessons from history. Before the Act of Union, in the 1690s, the Kingdom of Scotland sought to establish a colony in Panama under the Darien scheme, and that did not work very well. Does my right hon. Friend agree that it is as a Union that we have been able to project more power, and more power for Scotland?

Sir Alan Duncan: I absolutely agree that Scotland benefits from being part of the Union. Its great strengths are all the stronger for being part of a United Kingdom.

David Linden: On a point of order, Mr Deputy Speaker. I wonder whether you could instruct the Serjeant at Arms to do a check of offices, and in particular the annunciators in Conservative MPs’ offices. It strikes me, as someone who has sat through the entirety of the debate, that a number of Conservative Members who perhaps did not know the debate was ongoing have come in and made the same points again. Could you instruct that the annunciators in their offices be checked?

Mr Deputy Speaker: Thank you for that non point of order.

Brendan O’Hara: This is not a point order, but may I point out to at least half a dozen Government Members that, had they bothered to turn up at the start of the debate, they would know that almost every single point made from their Benches has already been covered—and, although I say it myself, covered in some detail?

Sir Alan Duncan: My hon. Friends are assiduous readers of Hansard, and when they do so tomorrow, they will see that their contributions in calibre, learning and style far exceed those of the SNP Members tonight.

Carol Monaghan: Does he agree that it is rather ironic that following a mere 15-minute debate on devolution in June, the UK Government are now dependent on talking about Scotland to save their necks?

Sir Alan Duncan: My hon. Friends are assiduous readers of Hansard, and when they do so tomorrow, they will see that their contributions in calibre, learning and style far exceed those of the SNP Members tonight.

Carol Monaghan: I must say I am very much enjoying this debate, which I am finding very interesting. Does the Minister agree with me that it is quite bizarre to have Scottish National party Members complain about the interest in their own debate and the fact that people have shown up for it? Compared with their usual moan, it is really quite bizarre.
Sir Alan Duncan: I am so glad my hon. Friend is enjoying this debate at the moment. I can assure him that I am doing so, with all my normal enthusiasm, too.

Sir Greg Knight (East Yorkshire) (Con): Does my right hon. Friend acknowledge that Scotland’s footprint also includes music, and we should give credit to the hon. Member for Perth and North Perthshire (Pete Wishart), who is an excellent musician?

Mr Deputy Speaker (Sir Lindsay Hoyle): I thought this was about soft power, not hard rock. [Laughter.]

Sir Alan Duncan: There is no way of beating that, Mr Deputy Speaker. I congratulate you on leavening tonight’s proceedings.

My right hon. Friend, who is the greatest drummer in the House of Commons, plays in a band—MP4—with a fellow Member of the House who is of course from Scotland. Buy their records now. I am sure they will make one for Christmas; if not, they have about a week to do so, but that should be fine.

Mark Menzies: My right hon. Friend is right to have mentioned Latin America on a number of occasions. One very prominent Scot whom we have not mentioned is Thomas Cochrane, the 10th Earl of Dundonald, who was actually the founder of the armada de Chile—the Chilean navy—which is celebrating its 200th anniversary this month. Without that Scot playing his role historically in Latin America, the Chilean navy would not be as it is today, and a hugely important part of the United Kingdom’s relationship would be much weaker as a result.

Sir Alan Duncan: Indeed, what is probably one of the greatest examples of the outreach of British naval power did come from Scotland. When I was in Chile recently—my hon. Friend has been there, too—I found that the name of Lord Cochrane is absolutely revered for having helped set up the navy 200 years ago. It is revered rather like the name of Admiral Duncan, who, in what could be better described as Scottish hard power, beat the Dutch in the battle of Camperdown—appropriately named—in 1797.

Alan Brown: You have to wonder how long it takes the Government to table an amendment, Mr Deputy Speaker. Had they had some cleverness and some diplomacy skills, they would have managed it by now. Rather than Government Members going on about the Chilean navy, let me help the Minister out. I put it on record that John Paul Jones founded the US navy.

Sir Alan Duncan: The House may be pleased to know that I can press down on the accelerator a little and need not delay the Scottish National party much longer.

In what I hope is a proper answer to the speech of the hon. Member for North East Fife, let me say that we host offices of the devolved Administrations in several countries, and work closely with their trade and investment representatives in many more. This ensures that they have an effective platform for engaging on devolved matters, if they wish to do so. It also allows them to contribute their perspectives and expertise in delivering the UK’s broader agenda for the bilateral relationship with those countries.

In formulating foreign policy, the Foreign and Commonwealth Office draws on the principles of what is called open policy making. That is about broadening the range of people we engage with, and the quality of that engagement. That is why, when developing the UK policy on the Arctic earlier this year, we consulted all the devolved Administrations and worked particularly closely with the Scottish Government, who are formulating their own Arctic strategy.

We are working hard to strengthen our partnership with the devolved nations. In the build-up to the Commonwealth Heads of Government meeting earlier this year, my ministerial colleague, Lord Ahmad of Wimbledon, spent time in both Scotland and Wales seeking views on strengthening the Commonwealth. In addition, over the last two years, more than 100 senior Foreign Office officials, including new and existing ambassadors, have held meetings in the devolved nations to share expertise and strengthen relationships.

Let me conclude by making it clear that the Government remain absolutely committed to devolution, which we believe strengthens our Union. Our four nations each have distinct capabilities and strengths, which we recognise, celebrate and put to work to the benefit of all citizens of this United Kingdom and to support and promote the values that unite us all. These values of tolerance, democracy, equality and fairness are at the heart of the Government’s work, at home and aboard. We are united by these values, and by our common purpose of serving the needs of all our people, wherever they live on these islands. Let us be proud of our individual strengths, and even prouder that we can achieve great things when, together, we harness those strengths for the benefit of all.

Question put and agreed to.

10.12 pm

House adjourned.
Mr Hunt: On the contrary, I think this deal allows us to project ourselves with confidence and strength across the world. I have had conversations with the Ukrainian Foreign Minister, who is grateful for the staunch support that the UK has given his country in this challenging situation. It is fair to say that the UK has been one of the leading voices, if not the leading voice, among EU countries on foreign policy issues such as this, and I am confident that we will continue to do that.

Mike Amesbury: When he spoke to Andrew Marr last weekend, the Foreign Secretary said that the Prime Minister’s proposed deal “militates most of the negative impacts” of leaving the EU. Can he tell us which of the negative impacts of leaving the EU the deal does not mitigate?

Mr Hunt: That is a very clever partial quotation. What I said was that this deal gets us most of what people voted for, and that it can be a staging post to getting everything that we voted for. That is why I shall be supporting the deal.

Mr Philip Hollobone (Kettering) (Con): Both the United Kingdom and France have permanent seats on the United Nations Security Council. We get to keep our seat after Brexit, but there is growing pressure by the European Union to take over France’s seat. What is the Foreign Secretary’s view on that?

Mr Hunt: With the greatest respect to my hon. Friend, I think that is a matter for France. In my short time in this job, I have noticed that it is very difficult to get a consensus across the European Union to take common positions. We sometimes succeed and we sometimes do not. It is much easier to get the French to take a strong position, even though sometimes we do not agree with that, either.

Tom Tugendhat (Tonbridge and Malling) (Con): As we are talking about British-European co-operation on diplomatic matters, I wonder whether my right hon. Friend could talk about the events that we are seeing in Ukraine and the importance of working together to reinforce a country that is under severe threat and suffering severe abuse by a neighbour. It really does need the help of our institutions, both UK and European, to ensure that it is able to stand up to such aggression.

Mr Hunt: I am pleased that my hon. Friend has raised this issue. He is absolutely right to say that, on an issue such as Ukraine, we have to stand four-square with our European friends, and we have indeed been doing so. We have extensive discussions about taking a common position with them, and I am pleased to say that there is unity not only among the European nations but with the United States that what Russia did is totally and utterly unacceptable. It is against international law and we do not condone it—we condemn it.

Kevin Foster (Torbay) (Con): Will the Foreign Secretary confirm that he made it clear in his discussions that, while we are leaving the European Union, we are not leaving Europe, and that we will continue to work through NATO and the many other international forums to ensure the peace and security of the whole continent?
Mr Hunt: My hon. Friend is absolutely right. It is important not to underestimate the influence that we have. We are a member of the G7, the G20, the OECD and the Organisation for Security and Co-operation in Europe. We are a member of 60 international organisations. With the EU, we have built up a huge amount of trust and common ground over recent years, which is why I am confident that it is in both sides’ interests that that continues.

Stephen Gethins (North East Fife) (SNP): Climate change is the biggest challenge that we face, and one that we should perhaps spend more time discussing in this Chamber. Being able to take a common position with our EU partners on this has been an incredibly powerful diplomatic tool for pushing that message forward. I am sure that the Foreign Secretary will join me in welcoming the fact that the First Minister is in Poland—where Scotland’s actions have been hailed internationally—to push that message as well. How will we continue to work with our EU partners to push that important diplomatic message?

Mr Hunt: My right hon. Friend the Minister for Asia and the Pacific will be in Poland on Friday and Saturday for further discussions on such issues. This issue does not respect any national boundaries and can be solved only by countries across the world working together. We have a strong common position with other European countries and that will continue.

Stephen Gethins: I thank the Foreign Secretary for his response. There is a concern that the UK is being left isolated in terms of Brexit and the broken relationship. In maintaining that common position as we go forward, will he commit to working as closely as we have done with our European partners? Additionally, in terms of our international ambitions, can Scotland help to act as a bridge between the UK and the rest of the EU?

Mr Hunt: The best bridge Scotland could be is by not creating a wall between Scotland and England and not trying to become independent. If we act as one voice, as a United Kingdom, we will be a more powerful voice abroad. We have had an independent foreign policy during our whole time as a member of the EU. That is not going to change, but we have found that it is incredibly effective to work closely with our European neighbours and friends on a whole range of issues, and that is also not going to change.

Michael Fabricant (Lichfield) (Con): BBC journalists in Iran and journalists throughout the world face criminal charges because of the regimes under which they work. How can the Foreign Office work with our EU partners to try to release the BBC journalists and others facing imprisonment?

Mr Hunt: I thank my hon. Friend for that excellent question. In fact, I raised that issue when I was in Tehran on 19 November. It is essential that we give full support to media freedom in all parts of the world. We have a lot of common ground on that with other European countries that share concerns about the recent deterioration in the situation.

Emily Thornberry (Islington South and Finsbury) (Lab): Only a month ago, the Foreign Secretary was one of eight Cabinet Ministers who said that they could not decide whether to back any Brexit deal unless they had seen the full, unedited legal advice given to the Prime Minister, saying that they could not repeat the failures of the Iraq war and rely only on an edited summary. The Foreign Secretary was right to take that entirely sensible and rational position just four weeks ago, so why should the same principle not apply to the whole of Parliament?

Mr Hunt: For the same reason that the previous Labour Government did not publish all the legal advice that they received: it would make the practice of Government totally and utterly impossible. I am delighted that the right hon. Lady has come in on this question, because she said on TV on Friday:

“I like the idea of us remaining in the EU.”

On this side of the House, however, we rather like the idea of implementing the will of the British people in a referendum.

Emily Thornberry: I thank my hon. Friend for that excellent statement. In the light of the most recent assessment he has made of the strength of the JCPOA, what discussions he has had with his Saudi Arabian counterpart on the use of the death penalty in that country.

Mr Hunt: I am unsure why the hon. Gentleman thinks that any of that is going to change, because the political declaration could not have been stronger in the commitments made to continue diplomatic co-operation between the UK and the EU. That is one of the first issues that European Foreign Ministers have raised in every single discussion that I have had with them, and there is total and complete unanimity.

Michael Fabricant: The Secretary of State’s tweet yesterday cited the JCPOA, but we strongly condemn missile activity by Iran in the region, because it is extremely destabilising. JCPOA, but we strongly condemn missile activity by Iran in the region, because it is extremely destabilising. Economic activities in Yemen, Lebanon, Syria and Iraq are causing enormous problems for many people in the region, and we will not settle the issues in the middle east unless Iran starts to change its approach and act peacefully towards its neighbours.

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[908003] Lloyd Russell-Moyle (Brighton, Kemptown) (Lab-Co-op): UK-EU diplomatic co-operation has been part of the successful Iran deal for the joint comprehensive plan of action and must of course continue post Brexit. The Secretary of State’s tweet yesterday cited the JCPOA and resolution 2231 in demanding that Iran cease testing missiles. However, the missile ban was deliberately excluded from the JCPOA and was not mentioned in resolution 2231. Is it now UK policy to dismiss the JCPOA and diverge from EU joint diplomatic efforts with Iran?

Mr Hunt: No, it is not. We strongly support the JCPOA, but we strongly condemn missile activity by Iran in the region, because it is extremely destabilising. Military activities in Yemen, Lebanon, Syria and Iraq are causing enormous problems for many people in the region, and we will not settle the issues in the middle east unless Iran starts to change its approach and act peacefully towards its neighbours.

Saudi Arabia

2. Tom Brake (Carshalton and Wallington) (LD): What discussions he has had with his Saudi Arabian counterpart on the use of the death penalty in that country.

Mr Hunt: I am unsure why the hon. Gentleman thinks that any of that is going to change, because the political declaration could not have been stronger in the commitments made to continue diplomatic co-operation between the UK and the EU. That is one of the first issues that European Foreign Ministers have raised in every single discussion that I have had with them, and there is total and complete unanimity.

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The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): Our policy on the death penalty has not changed, and we continue to raise human rights issues with the Kingdom of Saudi Arabia and other countries.

Tom Brake: I am sure that the Foreign Secretary is aware that my right hon. Friend the Member for Twickenham (Sir Vince Cable) yesterday asked the Prime Minister whether she would make an appeal for clemency on behalf of the 12 men who currently face imminent execution. Is the Foreign Secretary or the Prime Minister willing to do that?

Mr Hunt: We continue to make representations on all cases of the death penalty in Saudi Arabia, and I will look carefully into the case the right hon. Gentleman raises. I have to be direct with him and say that, because it is connected to sharia law, we think it unlikely that Saudi Arabia will change its policy on the death penalty, so most of the interventions we make tend to be in cases where a juvenile has committed the offence, or where we do not think the offence is egregious and where we think we will have the best chance of success.

Brendan O’Hara: The Government would have us believe that our close ties with Saudi Arabia have led to the regime behaving more humanely. Given that almost 100 Yemeni children were recently killed by Saudi airstrikes, and given the brutal murder of Jamal Khashoggi, there is very little evidence to back up that claim, so can the Foreign Secretary point to the evidence that the UK is making the Saudi regime more humane and more responsible?

Mr Hunt: Perhaps this simple fact: yesterday, 50 Houthi rebels were airlifted to Oman, which was the essential precondition for peace talks starting in Stockholm, and they may start tomorrow or on Friday.

Fabian Hamilton (Leeds North East) (Lab): Last month, the United States imposed Magnitsky sanctions on 17 individuals accused of involvement in the murder of Jamal Khashoggi. Many of them now face the death penalty in Saudi Arabia. Of course I would not ask the Foreign Secretary to comment on any individual cases, but can he simply tell us how many of those 17 individuals accompanied Crown Prince Salman on his visit to the UK in April?

Mr Hunt: The Home Office is doing a lot of work on what happened with all those 17 individuals, and there have been media reports that some of them did accompany the Crown Prince when he came to the UK. We want justice in the case of Khashoggi. It is an appalling case, and the Prime Minister made that clear to the Crown Prince when she met him in Buenos Aires. We have made it clear in my private meetings, too.

Sino-British Joint Declaration: Rule of Law

3. Steve Double (St Austell and Newquay) (Con): What recent steps the Government have taken to monitor and promote the rule of law in Hong Kong as set out in the Sino-British Joint Declaration.

The Minister for Asia and the Pacific (Mark Field): The rule of law and the independence of the judiciary are the foundations of Hong Kong’s continued success and prosperity. The UK remains absolutely committed to the joint declaration and to upholding “one country, two systems.” I raised the concerns about the erosion of the rule of law when I visited Hong Kong only last month, and we will continue to monitor that situation closely, as detailed in the Foreign Secretary’s six-monthly reports to Parliament.

Steve Double: I thank the Minister for that answer. Recent events in Hong Kong have seen the movement restricted of those critical of the Hong Kong Government, including political opponents and journalists. What steps are the UK Government taking to protect British interests in Hong Kong and the rights of British national (overseas) passport holders?

Mark Field: I reassure my hon. Friend that we take very seriously our long-standing and ongoing duty to uphold the joint declaration. We have raised publicly our concerns about the decision, for example, not to renew the visa of Victor Mallet, of the Financial Times, and the subsequent denial of his re-entry into Hong Kong, as well as other developments. These call into question Hong Kong’s high degree of autonomy. We have also made it clear in private to the Chinese and Hong Kong Governments that it is vital that Hong Kong’s rights, freedoms and high degree of autonomy, which are set out in the joint declaration, are fully respected.

Catherine West (Hornsey and Wood Green) (Lab): What will the Foreign Office do if the Government in China continue not to allow the likes of Victor Mallet, Benedict Rogers and others to have access to Hong Kong, as is correct and proper in a country with which the UK has such a long-standing relationship?

Mark Field: I agree with the hon. Lady that it is right and proper that such individuals are entitled to be there. We are concerned by the specific decision not to renew the visa of the Financial Times journalist Victor Mallet. As I said in Hong Kong the day I was there, that incident on 9 November undermines Hong Kong’s freedom of speech and, indeed, freedom of the press, which are guaranteed under the Basic Law. This, in turn, risks undermining Hong Kong’s economic success in the longer term. We will continue to raise those concerns.

Fiona Bruce (Congleton) (Con): Does the Minister share concerns about the trial that began on 19 November of nine leaders of the pro-democracy Hong Kong umbrella movement on such vague charges as “incitement to incite” public nuisance, and about the implications of such charges for freedom of speech and the rule of law in Hong Kong? Will Ministers raise such concerns with the Government there at the earliest opportunity?

Mark Field: I thank my hon. Friend for her tenacious work in this regard. The trials are a matter for the Hong Kong courts. I met Roberto Ribeiro, the deputy chief justice, and the head of the Hong Kong Bar Association, when I was there in November. I have every confidence in the continued independence of the Hong Kong judiciary, which remains in high international esteem. But I hope
that the incidents to which she refers will not discourage either lawful protests or the young from engaging in politics in Hong Kong.

Helen Goodman (Bishop Auckland) (Lab): The banning of a pro-independence party in September marks a disturbing new phase in the erosion of democratic rights and freedoms by China. It is a clear breach of the spirit of the 1984 declaration, yet the Government are so desperate for a post-Brexit trade deal that they have done nothing. Is Chris Patten right to describe the Government’s policy as “craven”?

Mark Field: May I reassure the hon. Lady that we have done rather a lot? We do not support Hong Kong independence as we feel that would be a clear breach of “one country, two systems”. Nevertheless, as she rightly says, the right to stand for election, and the rights to free speech and to freedom of association are absolutely enshrined in the Basic Law. We are also concerned that, if not the letter, then certainly the spirit of “one country, two systems” is being breached by this matter. We have issued a statement and we will continue to apply pressure through diplomatic means; we will do so on an ongoing basis. I share many of her concerns, but she should not believe that there is not a lot of work going on, both from our consulate general there and from London on this matter.

Brazil: Incoming Administration

4. Lucy Powell (Manchester Central) (Lab/Co-op): What recent discussions he has had with the incoming Administration of the new Brazilian President.

The Minister for Europe and the Americas (Sir Alan Duncan): The Prime Minister has written to President-elect Bolsonaro. Our ambassador in Brazil has seen him, many of the future Ministers and the transition team, and we look forward to working very closely with Brazil in the time ahead.

Lucy Powell: The great Sir David Attenborough said yesterday that climate change is humanity’s “greatest threat”. We all know that the Amazon rainforest is known as the planet’s lungs, yet we are seeing an alarming and irreversible rate of deforestation in the Amazon and worrying noises are coming out of the new Administration about their approach. So will our Government play a strong global leadership role in ensuring that the new Brazilian Administration understand their responsibility to protect the rainforest and the consequences if they do not do so?

Sir Alan Duncan: The answer to the hon. Lady’s question is a very clear yes—the UK, of course, is fully committed. The Brazilian Government come into office on 1 January. The President-elect has already said that Brazil will remain a party to the Paris agreement. Our ambassador has already discussed this with the incoming Government and we will continue to put pressure on and lobby in the same way as we always do in favour of climate change legislation and adherence to the Paris agreement.

Mr Gregory Campbell (East Londonderry) (DUP): In any discussions the Minister may have with the new President, will he ensure that the understanding comes across that the populism that is sweeping across much of the democratic world is because of mainstream Administrations internationally leaving many of the populations behind? That is giving rise to the populism we see today.

Sir Alan Duncan: I understand exactly what the hon. Gentleman is saying. I think that all Governments need to serve the needs of all their people. We have seen the rise of the right in quarters closer to home across Europe, including in regional elections in Spain last week. I agree that populism has its serious dangers. We want to see all Administrations serve the needs of their country, as we would all wish to see.

Hazara Population in Afghanistan

5. Graham Stringer (Blackley and Broughton) (Lab): What diplomatic steps he is taking to protect the Hazara population in Afghanistan.

The Minister for Asia and the Pacific (Mark Field): We have consistently urged the Afghan Government to protect the rights of all ethnic and religious groups, including the Hazaras, in line with the Afghan constitution. The Foreign and Commonwealth Office is deeply concerned by recent reports of security incidents affecting the Hazara community, particularly in Ghazni and Uruzgan. We will continue to call on all parties to the conflict to protect the civilian population.

Graham Stringer: Recently, Hazaras lobbied me and other hon. Members, saying that they are now in deep fear of an ISIS attack. This comes after they have suffered massacres at the hands of the Taliban, and they have a history of being the subject of genocidal attacks by other ethnic groups in Afghanistan. Given the amount of money we have put into Afghanistan, can the Minister not do more?

Mark Field: We fully understand the deep concerns about civilian casualties and displacement and, as the hon. Gentleman rightly says, the threat from not only the Taliban but potentially ISIS, too. Only last week, staff from the British embassy in Kabul met Hazara representatives for Ghazni from the Afghan Government, to hear those concerns at first hand. The Afghan national defence and security forces are working to stabilise the security situation, and of course they do that in tandem with UK forces.

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): In the light of the recent Taliban offensive and the atrocities that occurred as a result, and bearing in mind the deep insecurity currently felt by the Hazara community, what additional support is NATO’s Resolute Support Mission contributing to the Hazaras’ safety?

Mark Field: We are obviously working together with many of our allies, particularly at NATO level. NATO’s Resolute Support Mission is helping Afghans to build their own self-standing capability and capacity. We very much hope to see the fruits of that in the years to come with the Afghan national defence and security forces. That work is happening in several parts of Afghanistan. The hon. Gentleman will appreciate that we are obviously concerned about the humanitarian side, particularly when we see civilian populations under threat. This is
going to be a long haul. The hon. Gentleman will recognise that, working together with allies and the US in particular, we are no longer governed by an electoral timetable. We want to leave the country in a better place, which means working to build up that capacity.

Refugee Crises

6. Debbie Abrahams (Oldham East and Saddleworth) (Lab): What recent steps he has taken through the UN and other international organisations to tackle refugee crises.

Harriett Baldwin: Mr Speaker, have you ever come across in this House a representative more passionate about her constituency than my hon. Friend? I am happy to endorse what she says and to endorse the work done in my county of Worcestershire. I inform the House that, nationally, the UK is well on track to achieving our commitment of 20,000 vulnerable people resettled in the UK by 2020. In fact, as of September, I understand that that total is now more than 15,000.

Mr Speaker: The Minister is absolutely right. I have learned more about Taunton Deane in the past three years than I knew for the previous 52—that is correct.

Rachel Reeves (Leeds West) (Lab): Many refugees are fleeing religious persecution. The Archbishop of Canterbury has said that Christians in the middle east are on the brink of extinction, facing the worst crisis since the 13th century in the birthplace of Christianity. What are the Government doing to support Christians in the middle east and to grant asylum to those who are fleeing that persecution?

Harriett Baldwin: Well, indeed, it is a very sobering Christmas thought from the Archbishop of Canterbury. In fact, there are 25.4 million refugees worldwide, and the UK, of course, stands as one of the most significant supporters of refugees whatever their religious persuasion. There is a service in Westminster Abbey later today to which all colleagues are invited. I know that this is an important piece of work that the UK will remain steadfast in supporting.

Robert Courts (Witney) (Con): Will my hon. Friend outline what new mental health support is being given to the children in Lebanon and Jordan who are affected so badly by the fighting that is ongoing in Syria?

Harriett Baldwin: Yes, if Mr Speaker will allow me to put on my other hat from the Department for International Development just very briefly, I will say to my hon. Friend that he will be aware that the Secretary of State for International Development recently announced a range of new programmes to provide support in what has been a neglected area in terms of the psycho-social support and mental health support that particularly children in refugee situations need.

Yemen: Peace Process

7. Leo Docherty (Aldershot) (Con): What steps he is taking to support a peace process in Yemen.

Harriett Baldwin: Mr Speaker, have you ever come to Somerset. Will the Minister join me in praising and thanking Taunton Welcomes Refugees, which is a model organisation? So many church people, individuals and council workers are involved in the organisation. It is just wonderful, and the families were so delighted. Will the Minister also please confirm our commitment to helping the most needy of Syrian refugees?
12. Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): What steps is he taking to support a peace process in Yemen.

Mr Hunt: My hon. Friend is absolutely right. The UN says that more than 60% of civilian deaths have been the result of Saudi-led airstrikes. Will the UK Government therefore confirm that they will undertake any and all measures to ensure that Saudi Arabia is no longer armed and trained by the UK and that every impression is made on it to reach an agreement that means that no more Yemeni civilians die at its hands?

Hannah Bardell: The UN says that more than 60% of civilian deaths have been the result of Saudi-led airstrikes. Will the UK Government therefore confirm that they will undertake any and all measures to ensure that Saudi Arabia is no longer armed and trained by the UK and that every impression is made on it to reach an agreement that means that no more Yemeni civilians die at its hands?

Mr Hunt: With respect to the hon. Lady, whose views I listen to carefully, it is important to remember that the cause of this conflict was the illegal taking over of power in Yemen by the Houthis, and the Saudi military offensive was authorised by resolution 2216. We have a relationship with Saudi Arabia, which we are using to encourage it to do everything possible to come round the table to talk about peace.

Sir Geoffrey Clifton-Brown: Some humanitarian agencies are warning that, next year, Yemen could have the worst famine in a century. Is it not incumbent on the civilised world, therefore, to lift every sinew to broker a peace settlement under the auspices of Martin Griffiths, our UN special negotiator?

Mr Hunt: My hon. Friend is absolutely right. That was one of the conditions that the Houthis made for their participation in the talks in Stockholm, and the Saudi agreement to do so was actually announced when I was in Riyadh a few weeks ago.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): It is hugely welcome and encouraging that the peace talks in Stockholm are finally starting tomorrow. Will the Foreign Secretary update us, in parallel, on what is happening regarding getting a new UN Security Council resolution?

Mr Hunt: I am happy to do that. We have circulated a text, and the truth is that we will finalise that text after the talks have concluded. If we could choose what the
text would say, we would love it to announce a ceasefire, but there is no point doing that unless it is agreed by all the parties. That is why we want the peace talks to succeed.

Keith Vaz (Leicester East) (Lab): May I thank the Foreign Secretary for the amount of time that he has spent on the Yemen issue since assuming office? This is a very special moment. The guaranteed treatment of the Houthi in Oman is critical, but may I ask the Foreign Secretary to go to Stockholm on one of the days and show the support of the highest level of this Government for the peace process?

Mr Hunt: In principle, I have no problem with doing anything that will help this process along. As my hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) said, this is by far the worst humanitarian crisis in the world today and possibly the worst that we have had for 100 years. However, I will always be guided by Martin Griffiths on whether my presence would be helpful.

Sir Vince Cable (Twickenham) (LD): As long as the bombing continues, can the Foreign Secretary describe the surveillance that British embassy officials have over the activities of the Saudi air force, as required by export licence conditions?

Mr Hunt: The right hon. Gentleman is absolutely right to point that out. Indeed, he oversaw those export conditions when he was working in government. It is because of the contracts that we have with the Saudis that we are very closely involved in looking at things like their targeting to make sure that they are indeed compliant with international humanitarian law.

Emily Thornberry (Islington South and Finsbury) (Lab): I thank the Foreign Secretary for his update on the Yemen peace talks. I would like to ask him some more questions about the UK’s draft UN resolution. May I ask him a question that I have asked three times now—at the Dispatch Box, by letter and in a written parliamentary question—without ever getting an answer; yet it is such a simple question? Did the version of the draft UN resolution shown to Crown Prince Salman by the Foreign Secretary on 12 November include a call for independent investigations of war crimes—yes or no?

Mr Hunt: First, I did not show a text of the draft resolution to King Salman or the Crown Prince when I went to Saudi Arabia, but I can confirm that both the original text and the current text refer to international humanitarian law. But in the process of getting that text agreed, did we make compromises to please the Saudis? Yes. Did we make compromises to please the Houthis? Yes, we did. As a result of that diplomacy, the talks are happening this week. Rather than criticising that, the right hon. Lady should be celebrating the brilliant work done by British diplomats.

Emily Thornberry: It would be very helpful, in those circumstances, if the Foreign Secretary put a version of that draft resolution in the Library so that we can all see it for ourselves. In the meantime, the House will be aware that this week the US Senate is due to vote on whether America should continue supporting the Saudi assault on Yemen, even as millions of children face starvation. If the Foreign Secretary genuinely believes in the sovereignty of this Parliament, when will he show it? When will he ask Members of this House to vote on whether the UK support for this war can any longer be justified?

Mr Hunt: I simply say to the right hon. Lady that when it comes to the question of arms exports to Saudi Arabia, she seems to feel rather more strongly about it today than she did in 2007, when Labour Foreign Office Minister Kim Howells talked about shared values with Saudi Arabia following a big arms deal. The truth is that we follow the guidelines put in place by a Labour Government. That is what we do. They are the strictest in the world, and if she wants to change them, she should say so.

Human Rights and Freedom of Religion or Belief

10. Rosie Cooper (West Lancashire) (Lab): What steps is he taking to protect (a) human rights and (b) freedom of religion or belief throughout the world. [907995]

The Minister for Asia and the Pacific (Mark Field): The FCO’s 2017 human rights and democracy report demonstrates the breadth of the issues we work on and how we mobilise our diplomatic network to champion universal rights. This of course includes freedom of religion or belief. As a testament to that commitment, on 4 July the Prime Minister appointed my FCO colleague, Lord Ahmed, to the role of special envoy on FORB—an end to which I can assure this House he works tirelessly.

Rosie Cooper: The biggest recipient of UK aid, Pakistan, has received £2.8 billion over the past 20 years—that is nearly £400,000 a day. Should we not suspend aid until Pakistan promotes freedom of religion and belief for its minorities and allows an innocent woman, Asia Bibi, falsely imprisoned for nine years, to leave Pakistan, and should we not be offering her asylum in the United Kingdom?

Mark Field: I know that a number of Members have concerns about this question. As the Prime Minister has stated, our primary concern is the safety and security of Asia Bibi and her family. We want to see a swift and positive resolution to the legal aspect of this case in Pakistan. I should perhaps say that one allied nation has, for some years, been in detailed discussions about providing a safe destination for Asia Bibi and her family once the current legal process is complete. The House will appreciate that going into detail on these discussions would compromise that safety.

Dame Caroline Spelman (Meriden) (Con): Having recently returned from the Holy Land with a cross-party delegation of women MPs—and, indeed, your Chaplain, Mr Speaker—I am very concerned about the human rights abuses that I saw. Does the Minister agree that there is a renewed urgency to find a solution to the conflict in this area?

Mark Field: I thank my right hon. Friend for her question. I could not agree more. We will continue to work as closely as we can with all parties. As I have pointed out, we do a lot of work underneath the radar.
The Foreign Secretary and my right hon. Friend the Minister for the Middle East work very closely in relation to these issues and will continue to do so, looking after the rights of religious minorities across the world.

Mark Field: I know that my hon. Friend the Minister for Africa has recently been in Cameroon and speaks regularly with counterparts. We are extremely concerned about the issues in the Anglophone area. As the hon. Lady will be aware, a considerable amount of work goes on with Boko Haram on the porous border between Cameroon and Nigeria. We will continue to do all we can to protect the interests, particularly in the Anglophone area.

Liz McInnes (Heywood and Middleton) (Lab): Cambridge PhD student Peter Biar Ajak was detained without charge by the authorities in South Sudan in July for doing nothing more than speaking out on the human rights of his fellow citizens. The Government said at the time that that was of great concern. Can the Minister tell us what action has been taken since then to secure Peter’s release?

Mark Field: I thank the hon. Lady for her question. We remain appalled by the conflict and deteriorating humanitarian situation in South Sudan. We welcomed the regionally led peace agreement signed on 12 September. I believe that that is the only real chance and opportunity for the people of South Sudan, who have suffered for so long. There are positive steps, but I accept, as the hon. Lady points out, that progress is very slow and inconsistent. We welcome reductions in violence, and we work with our mission there to try to move towards ceasefire violations coming to an end.

Journalists’ Rights and Freedoms

11. Peter Heaton-Jones (North Devon) (Con): What steps he is taking to protect the rights and freedoms of journalists throughout the world.

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): We are very concerned at the increasing number of attacks on journalists throughout the world, which is why next summer we plan to host a major conference in London on protecting media freedom.

Mr Hunt: I am happy to confirm that. When I was in Burma, I talked to Aung San Suu Kyi about the two Reuters journalists, Wa Lone and Kyaw Soe Oo, because we have serious concerns about how due process was applied in their cases. We should remember in this House that 65 journalist were killed last year, and nine out of 10 times, no perpetrators were brought to justice.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Foreign Secretary knows that, out of Europe, we are more and more not only under the radar but on the periphery of the periphery. The plight of journalists and aid workers is very similar, in terms of the dangers they have to face doing good work. Will he speak to the president of the International Rescue Committee, David Miliband, about that?

Mr Hunt: I met David Miliband when I went to New York in September, and I think it would be a good idea to have those discussions. We have great concerns about the safety of aid workers, but our concern with respect to journalists is that this trend seems to be increasing, and it seems to be the new border between free and unfree countries.

James Duddridge (Rochford and Southend East) (Con): The BBC is still banned from Rwanda. Is the Secretary of State hopeful that that ban will be overturned by the Commonwealth Heads of Government meeting in 2020?

Mr Hunt: My hon. Friend the Minister for Africa has just indicated to me that she is very hopeful that the ban will be overturned before then.

Mr Speaker: Ah yes, the Political Studies Association’s Back Bencher of the year, Diana Johnson.

Diana Johnson (Kingston upon Hull North) (Lab): Thank you, Mr Speaker. I listened carefully to what the Foreign Secretary said about Iran and journalists. With the UN special rapporteur on freedom of expression, David Kaye, describing the recent attacks in the state media and online in Iran on the BBC Persian service as “deplorable”, what more can we do to support those journalists who so bravely work in the BBC Persian service?

Mr Hunt: I, too, congratulate the Back Bencher of the year.

I raised this issue when I was in Tehran on 19 November. I pointed out to the Iranian Government that if they are unhappy with the coverage of the BBC Persian service, there is a very simple thing that they can do: allow their representatives to be interviewed on it and allow them to put across their point of view, at which they smiled and changed the subject. We will, however, continue to press on that point.

Illegal Wildlife Trade

13. Damien Moore (Southport) (Con): What steps the Government are taking with international partners to tackle the illegal wildlife trade.

The Minister for Africa (Harriett Baldwin): We will continue to work with international partners to drive progress in tackling this terrible crime and deliver on
the commitments made at October’s London conference. Some 57 countries have adopted the conference’s declaration so far.

Damien Moore: Will my hon. Friend update the House on the progress that is being made towards the Government’s target of halving the number of elephants killed for ivory by 2024?

Harriett Baldwin: We are leading from the front. As my hon. Friend knows, we are bringing in an ivory ban in the UK. We have formed a high-level political coalition, the Ivory Alliance 2024, and we are urging everyone to tackle something that is extremely urgent, because the number of African elephants has declined by 30% over the past seven years.

Vernon Coaker (Gedling) (Lab): May I ask the Minister, who will share all our concerns about this illegal wildlife trade, to redouble her efforts to get other countries involved as well as her own and to get international organisations involved? What has happened is deplorable, and the wildlife across this planet is disappearing before our eyes.

Harriett Baldwin: I thank the hon. Gentleman for his endorsement of the work, and we truly are working very energetically and vigorously, following the incredibly endorsement of the work, and we truly are working up to the declaration. We are encouraging everyone to escalation of violence in the region.

Alex Cunningham: Ministers keep telling us that they want to wait and see President Trump’s long-awaited middle east peace plan. In the meantime, we have seen an escalation of violence, death on the Gaza border, a worsening humanitarian crisis, continued demolition of Palestinian homes and the ending of US support for the United Nations Relief and Works Agency. Is it not time that the UK said very clearly, “You cannot have a two-state solution if you only recognise one state”?

Alistair Burt: We have said very clearly that we recognise a two-state solution. We are keen to ensure that when the envoy's proposals come forward, they get a strong reception, and people can work on them to try to bring a resolution to this long-standing crisis. It is the only thing that will deal with the concerns that the hon. Gentleman raises.

Economic and Diplomatic Relations: Africa

24. Jeremy Lefroy (Stafford) (Con): What progress the Government have made on strengthening economic and diplomatic relations with countries in Africa since the Prime Minister’s visit to that continent in August 2018.

The Minister for Africa (Harriett Baldwin): Mr Speaker, congratulations on getting through the whole Order Paper.

We are opening posts in Chad, Niger, Eswatini, Lesotho and Djibouti and increasing the number of staff working on Africa by up to one third.

Jeremy Lefroy: With the African Union developing a continental free trade area, what additional resources are the Government putting into Addis Ababa to deal with the increasing opportunities for working with the African Union?
Harriett Baldwin: My hon. Friend is right to highlight the importance of the African Union and its work in Addis Ababa. In the years to come, we will increase the number of posts working with the African Union by, I think, 12.

Topical Questions

T1. [908011] Rebecca Pow (Taunton Deane) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): Given the stresses and strains in British politics at the moment, I thought I might share with the House some good news: we will open a new British embassy in the Maldives. That small country has made important strides towards democracy with the recent elections and we wish to extend it every support possible, doubtless supported by several colleagues making fact-finding visits.

Mr Speaker: I wonder whether the Foreign Secretary is opening the said embassy, or whether he is generous enough to devolve that to his deputy.

Rebecca Pow: I will be first up for coming on the opening visit.

Does my right hon. Friend agree that through programmes including the prosperity fund, but particularly through working with MPs in Parliaments in developing countries, the UK could establish itself as a leader in accelerating renewable energy, electric cars and other business opportunities to promote sustainable development and climate action in developing countries?

Mr Hunt: Mr Speaker, given that we wish to encourage parliamentary democracy in the Maldives, you might be the right person to go there on that important occasion and I am happy to expedite the process if it would help.

I completely agree with my hon. Friend about the importance of zero emissions, and Britain can certainly play a leading role.

T4. [908014] Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Does the Minister recognise that after the illegal salvage of HMS Exeter from the Java sea, we need a wrecks at risk register to ensure that our lost Royal Navy ships—those war graves around the world—are not forgotten and are properly protected? Will he meet me to discuss how we can work internationally to create that register?

The Minister for Asia and the Pacific (Mark Field): A nice easy one. Perhaps I should say that I am the last to create that register?

I will keep my answer to the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) simple: yes, of course, I am happy to meet him at any point.

T2. [908012] Stephen Kerr (Stirling) (Con): What are the Government doing to work with the Nigerian Government to promote reconciliation between the Fulani herdsmen and the villagers and farmers of the Middle Belt?

The Minister for Africa (Harriett Baldwin): I know that my hon. Friend contributed to the Westminster Hall debate that took place last week, thanks to the hon. Member for Strangford (Jim Shannon) and the Backbench Business Committee. In that, I outlined the way in which our high commission is working with not only the national Government, but the state Government and community and religious leaders, and offering its help to support reconciliation and mediation in this growing crisis.

T5. [908015] Alex Cunningham (Stockton North) (Lab): Earlier this year, in response to deaths on the Gaza border, the Minister said that the Government would support Israel’s investigation into them and push for an international element to those investigations. How is he getting on with that?

The Minister for the Middle East (Alistair Burt): We are still pressing the Israeli authorities in relation to exactly what we said previously. That is the best way to try to find an answer to the tragedy that happened in Gaza.

T3. [908013] Alan Mak (Havant) (Con): The Chevening awards help Britain to engage young people from across the world. What support has my right hon. Friend given to British embassies and missions in the greater China region to promote those important awards?

Mark Field: My hon. Friend is absolutely right about the soft power access of the Chevening scholarship programme, which creates lasting, positive relationships with future leaders, influencers and decision makers from 145 countries around the world. We now have some 50,000 Chevening alumni since the project was set up in 1983. Last year, with 75 scholars, China was the single largest part of our Chevening ambition.

T6. [908016] Mr Stephen Hepburn (Jarrow) (Lab): Is the Minister aware of any Foreign Office warnings to tourists going to Malta about what is apparently a dodgy legal system? Would he be good enough to meet me to discuss a particular injustice to a family in my constituency to see whether he is able to help?

The Minister for Europe and the Americas (Sir Alan Duncan): As with all countries, I urge anyone thinking of travelling to look at the travel advice, which we offer in a very disciplined way on the Foreign Office website. Should the hon. Gentleman wish to discuss an individual case, then of course I would be very happy to see him as he asks.

T7. [908017] Martin Vickers (Cleethorpes) (Con): As a vice-chairman of the all-party group on Albania, I and colleagues met the Albanian ambassador and Albanian politicians last week. They are very keen on developing business links with the UK. In view of the Foreign Secretary’s initiative to have more business leaders involved to work alongside our diplomats, can I urge him and the Government to engage with Albania and other western Balkan countries to develop our links?
Sir Alan Duncan: Yes. The Foreign Secretary does indeed wish to widen the pool of talent from which we select ambassadors. Irrespective of that initiative, we are very keen to develop economic and commercial ties with Albania. We will do that in conjunction with the Department for International Trade. One thing that would help those commercial opportunities would be if Albania itself reforms its justice sector.

Mark Field: We are very concerned about the current chaotic political situation in Sri Lanka to which the right hon. Gentleman refers. It is causing great damage to that country both politically and economically. I made statements on 26 October, 29 October, 9 November and, as he knows, earlier this week at the meeting of the all-party group for Tamils. We will continue actively to co-ordinate our response with the international community in Colombo and in the UN.

Mark Field: First and foremost, we want this to be resolved by Sri Lanka in line with its own constitution and laws. We welcome the statement made on 5 November by the Commonwealth secretary-general, who I understand is causing great damage to that country both politically and economically. I made statements on 26 October, 29 October, 9 November and, as he knows, earlier this week at the meeting of the all-party group for Tamils. We will continue actively to co-ordinate our response with the international community in Colombo and in the UN.

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Anna McMorrin (Cardiff North) (Lab): My constituent Mr Nkemgo is from Cameroon. Many close members of his family have been shot and killed, and their villages have been burnt. What urgent action has the Secretary of State taken or will he take, and what does he say to my constituent?

Harriet Baldwin: I can say to the hon. Lady’s constituent that she is absolutely right to raise this very serious situation, that the UK Government are doing everything that they can to encourage the Government in Cameroon to engage in a dialogue with what has become an increasingly armed separatist movement. We are working with the United Nations on what further assistance can be given to the populations who are being displaced in this crisis.

Several hon. Members rose—

Mr Speaker: Order.
BILL PRESENTED

NAPPIES (ENVIRONMENTAL STANDARDS)

Presentation and First Reading (Standing Order No. 57)

David Linden, supported by Patricia Gibson and John McNally, presented a Bill to establish environmental standards for nappies; to make provision about the advertising and promotion of nappies with regard to those standards; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 25 January 2019, and to be printed (Bill 299.)

Planning (Appeals)

Motion for leave to bring in a Bill (Standing Order No. 23)

12.38 pm

John Howell (Henley) (Con): I beg to move,

That leave be given to bring in a Bill to limit the grounds of appeal against decisions on planning applications consistent with a neighbourhood development plan or local plan; and for connected purposes.

I am introducing this Bill to try to provide reassurance to communities who spend considerable amounts of time and money producing a neighbourhood plan that their work is valued, that it plays an important part in the planning system and the determination of planning applications, and that, together with the local plan produced by the district or borough council, it is a fundamental document—[Interruption.]

Mr Speaker: Order. This is something of a discourtesy to the hon. Gentleman who is moving his ten-minute rule motion. It might not be front and centre stage in the minds of all right hon. and hon. Members, but it is extremely important to the hon. Gentleman and to a lot of people. Whether people are interested in listening or not, they should do him the courtesy of affording him a respectful silence.

John Howell: Thank you, Mr Speaker.

I want to reassure those communities that neighbourhood plans are fundamental documents and that the effort made in producing them is worthwhile. In my own constituency, two more plans recently passed referendums by 94% and 98%, which shows how much they are valued by communities. The Bill would provide that, where a district or parish has taken control of the planning requirements in their area, that view is an important and determining one for taking applications forward.

I introduce the Bill having held the position of Government champion for neighbourhood planning. In that role, I have been around the country talking to groups of parish councils and their Members of Parliament about why they should produce a neighbourhood plan. I am grateful to the many colleagues—far more than the 11 supporter slots available—who have supported the Bill.

In my constituency, in a village called Sonning Common, the local community and district council are reported to have spent £90,000 defending the village’s new neighbourhood plan against an appeal. The subject of the appeal was an application for 95 dwellings on a site located in the neighbourhood plan for just 26. Why the application was able to be taken to appeal is part of the reason for the Bill. The application was inconsistent with the Sonning Common neighbourhood plan and there were no mitigating circumstances. Local residents had worked very hard on the neighbourhood plan, and continue to do so. The question we have to ask is: why was the existence of the neighbourhood plan not sufficient?

In order to set the scene for the Bill, I will go back to what prompted me and the then Planning Minister, my right hon. Friend the Member for Tunbridge Wells (Greg Clark), to introduce neighbourhood plans in 2011-12. The starting point was the recognition that the previous system of taking parish views on applications into account by ticking one of three boxes was inadequate. The boxes were: “yes”, “no” and “no firm opinion”. As
we live in a plan-led system, it was crucial that anything that replaced it was part of the plan-led system—hence a new plan, the neighbourhood plan. This has proved to be a much better way of crystallising local views of development.

The neighbourhood plan becomes part of the local development plan when it is approved at a referendum and thereby carries the full legal weight that the local plan does. It is not a nimby’s charter. The plan needs to conform with the strategic objectives of the local plan, particularly the housing numbers, which should be seen as a minimum figure, and they have in practice allocated some 10% more sites than originally detailed by the district or borough council. About 2,500 communities around the country are producing a neighbourhood plan, and many have already passed a referendum with North Korean-style majorities. Nevertheless, despite the work of the local plan expert group, on which I served, to simplify the production of neighbourhood plans, the process is becoming more complex and time-consuming for ordinary people to carry out, and I pay tribute to the volunteers who spend so much of their time putting these plans together.

There is a bigger problem that the Bill seeks to address. Imagine a parish that has committed considerable money and time to producing a neighbourhood plan. It has been through the exercise of allocating sites. It may even have allocated more than it was told was appropriate by the district council. A developer wants to make a planning application that falls outside the neighbourhood plan. He makes the application. It is rightly refused as being not in accordance with the neighbourhood plan, yet he can still appeal to the Planning Inspectorate. That appeal will need to be defended. It will require vast amounts of time and money, and it will mean that the local people who put the plan together will have to pay for the Defence. It may require the services of a QC or other specialists, depending on the nature of the defence. As at Sonning Common, they and the district council may end up having to spend around £100,000 on defending it. Moreover, the chances of the neighbourhood plan being upheld are open to doubt. In other words, all that effort and all that money could be wasted. The question I am always asked is why, when we have a neighbourhood plan, should the developer be allowed to appeal?

How would the Bill work? Let me give three examples. First, we have the situation where there is a robust five-year housing land supply in place—or indeed, where appropriate, a three-year housing land supply—as well as a fully approved neighbourhood plan and local plan. In this case, a developer makes an application for development that is contrary to the neighbourhood plan and is earmarked for refusal on the basis of neighbourhood plan policy. The local planning authority first decides that the application is outside the plan, or contravenes a policy in it, and refuses it. It also makes a formal decision, which is published as a formal notice in the minutes of the planning committee, that the application is contrary to the neighbourhood plan: in other words, that the neighbourhood plan holds sway. In this instance, the developer would have no right of appeal, because it would be withdrawn.

In the second case, there is still a five or a three-year housing land supply, but in reaching its decision the local planning authority does not follow due process. It makes a decision in which there are processual errors, It is not possible to evaluate the significance or impact of those errors, and whether that would ensure that the decision could be overturned or whether it would make no difference at all. In this case, too, the finding of fact is that the application is contrary to a neighbourhood plan. The developer would have to make an initial referral to the court by way of judicial review of the processual issues, meaning that the bar for decision was a high one, and he would seek leave to appeal to the planning inspectorate. It would be for the court to review the processual errors rather than the issue of fact.

In the third example, there is no five or three-year housing land supply, but the local planning authority still refuses the application. In this case, the rights of the developer to appeal against the application to the planning inspectorate would continue as now. That would have a number of effects. First, it would send a strong message to developers that neighbourhood plans are to be taken seriously. I am fully aware of one developer who has devoted considerable resources to undermining neighbourhood plans and regularly submits objections to local planning authorities. The issuing of a notice by the local planning authority makes it clear that there is a finding of fact that the application is contrary to a neighbourhood plan.

Secondly, only through such action will we return real democracy to the towns and villages of this country, as we originally envisaged in the Localism Act 2011. It will have no bad effect on housing numbers: as I have said, neighbourhood plans provide for some 10% more housing than originally envisaged. It could even make the allocation of land for more houses more attractive to towns and villages, because they will be protected from rapacious interests. Thirdly, it will give those towns and villages confidence that producing a neighbourhood plan is worthwhile, and will be seen as producing a determinant for the planning system.

Fourthly, this can be seen as another step in the reform of the neighbourhood planning system, which has adapted to changing circumstances throughout. First, there was the Barwell ministerial statement, which in certain circumstances reduced the housing land supply to three years. More recently, changes have been included to simplify the process for updating a neighbourhood plan.

Lastly, the Bill will encourage communities to prepare plans, including local district and borough councils, and to support neighbourhood plans. Our Local Plans Expert Group report quoted the then national planning policy framework, which states that plans should be “the key to delivering sustainable development that reflects the vision and aspirations of local communities.” However, we also commented that less than a third of the country was suitably covered. There are many examples of good practice in plan making: the Bill will add to that stock of good practice.

Question put and agreed to.

Ordered.

That John Howell, Sir Oliver Letwin, Sir Nicholas Soames, Sir David Evennett, Nick Herbert, Sir Geoffrey Clifton-Brown, David Hanson, Kevin Hollinrake, Gillian Keegan, Victoria Prentis, Damien Moore and Stephen Lloyd present the Bill.

John Howell accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 25 January 2019 and to be printed (Bill 300).
Privilege (Withdrawal Agreement: Legal Advice)

Mr Speaker: The right hon. and learned Member for Holborn and St Pancras (Keir Starmer) has tabled a motion for debate on a matter of privilege, which I have agreed should take precedence today. I must inform the House that I have selected the amendment in the name of the Leader of the House.

12.50 pm
Keir Starmer (Holborn and St Pancras) (Lab): I beg to move.

That this House finds Ministers in contempt for their failure to comply with the requirements of the motion for return passed on 13 November 2018, to publish the final and full legal advice provided by the Attorney General to the Cabinet concerning the EU withdrawal agreement and the framework for the future relationship, yes or no? That order was binding. Mr Speaker, on 13 November I sought your advice on that issue and you ruled in the following terms:

"The ruling I give is simply that the motion is effective—I have been advised thus. It is not just an expression of the opinion of the House; it is an expression of the will of the House that certain documents should be provided to it."—[Official Report, 13 November 2018; Vol. 649, c. 236.]

Yesterday, the Government published a reasoned position paper. That was not legal advice. It simply described the deal: it was a synopsis; it was in the nature of an explainer—an explainer having already been published when the deal was published. It was a long way from legal advice. The Attorney General made a statement to the House and then answered questions, but the Government did not publish the full and final advice by the Attorney General to the Cabinet. That is the long and short of it. The Government are wilfully refusing to comply with a binding order of this House, and that is contempt.

Yesterday, the Attorney General as good as admitted it when he said:

"I wish that I could comply with the request of this House but if I did, I sincerely believe that it would not be in all of our interests."

And slightly later he said:

"although the House says that I should disclose, I believe that the public interest compels me not to. I am sorry."—[Official Report, 3 December 2018; Vol. 650, c. 534 and 564.]

That is a plea of mitigation; it is not a defence.

I make three points about the Government’s position. First, as the hon. Member for North East Somerset (Mr Rees-Mogg) made clear yesterday, for the Attorney General to say that in his view it is not in the national interest is not good enough. The hon. Member for North East Somerset went on to say:

“When the Government lose a vote, they must follow the will of this House under an Humble Address, according to all precedent. It is no longer a matter for the Government to judge; it has been decided by this House, which is a higher authority.”—[Official Report, 3 December 2018; Vol. 650, c. 563.]

My second point is this: if the Attorney General feels so strongly about this matter that he is prepared now to put the Government in contempt of Parliament for refusing to comply with a binding order, why on earth did he not vote against the order in the first place, or anybody else on the Government Benches? That was not an oversight: the Government knew very well what was being asked for. The Attorney General must have known what was being debated and voted on. Yet it appears from answers given by the Attorney General yesterday that he was not asked before that vote for his view on the wisdom of not voting against the order, nor did he offer any advice, directly or indirectly.

Again I quote the Attorney General:

“I had no discussions with the Chief Whip on this subject. None was sought.”—[Official Report, 3 December 2018; Vol. 650, c. 569.]

I do not doubt the Attorney General’s word for a minute, but really—before that vote nobody asked the Attorney General’s views on the consequence of not opposing the order?

The truth is that the decision not to oppose the order was a political decision, taken by the Government because they feared they would lose the vote. They did not want the short-term humiliation of losing a vote, and the price of that was higher than voting against the order—and none of them did that. That is not the first time that has happened.

Chris Philp (Croydon South) (Con): Will the right hon. and learned Gentleman give way?

Keir Starmer: I will in a moment.

For months the Government have ignored Opposition day motions, and now their tactic has got them into very deep water indeed. The Government cannot now come to this House and say, “We took a political decision not to oppose the making of the order to publish the full and final legal advice by the Attorney General and then we took a decision not to comply with that order, but somehow we are not in contempt of Parliament.”

My third point is about the Government’s amendment in the name of the Leader of the House asking this House to refer the matter of whether the Government’s response fulfils the motion to the Privileges Committee. The short point is this: there is nothing to refer. A binding order was made and the Government are refusing to comply with it. The reality is that, yet again, by their amendment the Government are simply playing for time in the hope that this ends up in the long grass until the crucial vote is long gone.

So this motion is extremely important. It has huge constitutional and political significance. Bringing the motion is not something I have done lightly. [Interruption.] On the contrary—[Interruption.] On the contrary—[Interruption.] On the contrary—[Interruption.] On the contrary—[Interruption.]

Mr Speaker: Order. [Interruption.] Order. I do not need somebody yelling rather stupidly from a sedentary position “Give way.” The right hon. and learned Gentleman will give way if and when he wants to do so, and that is the end of the matter. And the same will apply when the Leader of the House is on her feet. Let me just make it...
clear: these are extremely serious matters and the public is entitled to expect that this debate will be conducted with courtesy. However long it takes—[Interruption.] However long it takes, that is what will happen.

Keir Starmer: I have not taken the decision lightly because I understand the constitutional and political significance of this motion. On the contrary, we have raised points of order on a number of occasions about this order, and we have asked urgent questions, and I have repeatedly urged the Government to reconsider their position both publicly and privately, making clear the consequence of not doing so. But the Government have chosen not to do so. I urge the Government now, even at this eleventh hour, to think again: to pull back from the brink of being found in contempt of Parliament.

Several hon. Members rose—

Keir Starmer: This motion is a last resort. The issue before us is simple: this House passed a binding order; the Government are wilfully refusing to comply with that order; that is contempt of Parliament.

Several hon. Members rose—

Mr Speaker: Order. The right hon. and learned Gentleman has very clearly completed his speech. To move the amendment, I call the Leader of the House.

12.59 pm

The Leader of the House of Commons (Andrea Leadsom): I beg to move amendment (a), leave out from “House” to the end and insert:

“refers to the Committee of Privileges the question of whether the Government’s response fulfils the motion passed on 13 November 2018 and requests the Committee to consider the constitutional and historic context and the proper use, ambit and scope of the motion for return procedure.”

I want to start by thanking my right hon. and learned Friend the Attorney General for putting himself at the disposal of the House yesterday for over two hours, to provide information about the legal impact of the withdrawal agreement. He did so with his characteristic candour and integrity. The use of this motion has happened very rarely in the history of Parliament, and I do not think that any Member can be in any doubt that the information that the Attorney General provided yesterday was a very frank assessment of the legal position. The questions posed by Members on both sides of the House addressed the key issues we must all consider on the legal effects of the withdrawal agreement. My right hon. and learned Friend responded to all those questions in comprehensive fashion.

Alongside yesterday’s session of nearly two and a half hours, the Government have also provided a 48-page legal commentary that sets out the legal effect of each part of the withdrawal agreement. The information provided to the House is the detailed legal position on the withdrawal agreement and, as the Attorney General said to the House yesterday, he continues to be at the disposal of parliamentarians to answer further questions.

I would, therefore, in responding to the contempt motion before us today, urge the House to exercise caution in this matter. The issue at hand is not one of substantive content. As yesterday’s questioning illustrated, there is no real dispute as to the meaning and legal effect of the withdrawal agreement. The Attorney General could not have been clearer about the legal position yesterday. No hon. Member could say in all honesty that the Attorney General has done anything other than treat this House with the greatest respect. There can be no question that he, or the Government, has acted in a manner that is contemptuous of this House.

Toby Perkins (Chesterfield) (Lab): The Leader of the House says that the Attorney General answered with candour. Indeed, he did, when he said that “although the House says that I should disclose, I believe that the public interest compels me not to.”—[Official Report, 3 December 2018; Vol. 650, c. 564.]

He made it clear that he was deliberately in contempt of Parliament.

Andrea Leadsom: The hon. Gentleman is not correct. As I have just set out, the Attorney General answered questions from all Members with the most possible frankness on the clear legal position.

Simon Hoare (North Dorset) (Con): Does my right hon. Friend share my disquiet about some of the sincerity expressed by the right hon. and learned Member for Holborn and St Pancras (Keir Starmer)? The letter that he produced in support of the motion was signed and sealed on Thursday. They clearly had no interest in what the Attorney General had to say on Monday.

Andrea Leadsom: I agree with my hon. Friend. Friend that the House needs to exercise some caution, and I wish to explain precisely why.

The issue we are debating today is the Government’s duty to protect Law Officers’ advice in the national interest. The House has previously recognised the importance of the principle that information cannot always be disclosed. This is always guided by the need to protect the broader public interest. This is directly reflected in the Freedom of Information Act 2000, brought in under a Labour Government, which sets out a careful scheme for balancing the twin imperatives of transparency on the one hand, and of safeguarding the public interest on the other. The consequences of not following those principles are obvious. The House might request, by way of a Humble Address, information that could compromise national security or which might put the lives of our troops in danger.

Mr Kenneth Clarke (Rushcliffe) (Con): Obviously, parliamentary sovereignty and the duty of Government to obey motions is extremely important to the House, but my right hon. Friend is rightly describing the other problem of the confidentiality of legal advice, which Labour and Conservative Governments need as well. Is there not a sensible solution to this, as opposed to this current party political exchange? The Opposition could agree to receive a confidential briefing on Privy Council terms, look at the documents and have the Attorney General point out those parts that, in everybody’s view, might damage the national interest or damage the negotiating position of any Government of any party, and in effect agree to redact the documents. The politically embarrassing bits, which are what the Opposition are after, and all the rest of it can come out.
Both the conventions—that the House must be obeyed and that the Attorney General’s legal advice should be confidential—should be protected, and that is a possible way of reconciling them.

**Andrea Leadsom:** I am grateful for the advice of the Father of the House, but he will appreciate that the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) wants all legal advice to be put into the public domain without any attempt to protect the national interest.

**Several hon. Members rose—**

**Andrea Leadsom:** I will not give way for a while.

The consequences of not following the principles of transparency on the one hand and safeguarding public interest on the other are obvious. The House could request, by way of a Humble Address, information that could compromise national security. It would mean releasing information with no method for the House itself to review or assess the information in question, before its full release into the public domain. It would not be possible under the Humble Address procedure to weigh up any potential consequences of such a disclosure. It is simply an irresponsible thing to do.

I turn to the present case concerning Law Officers’ advice. As the House is aware, this is the subject of very long standing conventions which are enshrined in the ministerial code, and recognised in “Erskine May”. First, with the permission of the House, the fact that—or indeed whether—their advice has been provided to Government should not be disclosed. Secondly, such advice must not be provided to those outside of Government without the Law Officers’ express authorisation.

The purpose of the conventions is to provide the best possible guarantee that Government business is conducted in the light of full and frank legal advice. This is a fundamental principle of the rule of law. If Government knew that they might be forced to disclose the advice that they had received, it could seriously compromise the sorts of request for advice that would be made, and totally impede the ability of the Law Officers and Government lawyers to provide it. In turn, that would seriously compromise good government.

The motion we are debating today would undermine these vital conventions, and it would do so through the blunt instrument of the Humble Address, an arcane parliamentary procedure which, until very recently, was last used in this way in the 19th century. Moreover, there is real doubt about the ambit of the procedure: as I said earlier, it contains no mechanism by which information can be reviewed to ensure that its disclosure would not seriously harm the public interest. In considering today’s motion, hon. Members must reflect carefully on this—and on the potential consequences not just for this Government, but for all future Governments.

As this House knows, the Government have worked extremely hard to comply with Humble Addresses that have been passed previously. We have also sought to do so in response to the case we are debating today, while at the same time taking steps to protect national interest. The conventions that I have spoken about stand and endure because they respect the proper balance between the Government and Parliament—and the principle that Ministers should be as open with Parliament as it is possible to be, provided that disclosure of information does not compromise the wider public interest. We chip away at them at our peril; today’s motion is not in the interests of Members and it is definitely not in the national interest. What we break now may be very difficult to fix later.

**Chris Philp:** The Leader of the House has been commenting on the use of the Humble Address mechanism to compel the disclosure of information. We were told by the Attorney General yesterday that this information would be prejudicial to the national interest. Is it not impossible to debate openly in this House whether that information should be disclosed without knowing what the information is? Would it not be more appropriate to make the decision in a confidential tribunal about what may and may not be disclosed, analogous to a judge making such a decision when a matter of disclosure arises in a court of law?

**Andrea Leadsom:** Again, my hon. Friend points out the problem, which is that the right hon. and learned Member for Holborn and St Pancras’s motion seeks that all the information be placed in the public domain without anyone on either side of the House having the ability to consider whether it is in the national interest to do so.

I want to turn now to the contempt motion itself. We recognise that concerns have been raised as to whether the Government’s response meets the terms and spirit of the motion agreed on 13 November. We consider that the spirit and intent of that motion have been fully complied with. As I said earlier, the Government have now provided a 48-page paper setting out the legal effect of the withdrawal agreement, and the Attorney General came to the House yesterday. Anyone present in the Chamber for his statement and his subsequent responses to questions can be in absolutely no doubt that the Attorney General gave a full—[Interruption.]

**Mr Speaker:** Order. The Leader of the House must resume her seat momentarily. Mr Russell-Moyle, you are a very excitable denizen of the House. If you were on your feet, you would be entitled to express your views. When you are in your seat, you are not. I hope that that basic rubric is now clear to you and will require no further explanation.

**Andrea Leadsom:** Thank you, Mr Speaker. Anyone present in the Chamber for the Attorney General’s statement and his subsequent responses to questions yesterday can be in absolutely no doubt that he gave a full and frank exposition of the legal position of the withdrawal agreement. I simply reject any suggestion that the Attorney General has done anything other than treat this House with the greatest respect.

Turning to process, the motion before the House today seeks to find the Government in contempt of Parliament, without having taken the important prior step of referring the matter to the Committee of Privileges, as is normally the case. This is a matter of due process. First, those facing this extremely serious charge of contempt should each be given the opportunity to make their case and to follow the due process of this House. They should be given the opportunity to explain how
they have come to their decision about how best to balance the Government’s responsibilities to Parliament with their ministerial duties, including the need to consider the national interest. That opportunity is a vital element of any such procedure, and in this mother of all Parliaments, we are surely nothing if we do not uphold our own constitutional practices in the appropriate way.

The Privileges Committee will also want to consider the question of compliance with the motion in its full constitutional and historical context. The Government would strongly welcome the Committee having the opportunity to consider the more general scope of the motion for the Humble Address procedure, in particular as regards confidential information and the national interest. The Committee could consider these complex matters in a full and impartial way, away from the heat of the present debate and in fulfilment of its parliamentary duty as established by this House. I am grateful to the Chair of the Committee, the hon. Member for Stretford and Urmston (Kate Green), for the conversation that she and I had today in which she agreed that her Committee would be happy to consider that.

The members of the Committee are accustomed to the consideration of complex and contested issues. That is the very essence of their role. Although it would be for the House itself to reach a final determination on whether a contempt had been committed, it should do so on the basis of the full and impartial consideration of the facts by the Committee of Privileges. I therefore appeal to all hon. Members right across the House that so on the basis of the full and impartial consideration of the facts by the Committee of Privileges. I therefore appeal to all hon. Members right across the House that if they seek to pass this motion, they should refer it to the Committee in line with our parliamentary procedures. I urge all hon. Members to support the Government’s amendment.

1.15 pm

Sir William Cash (Stone) (Con): I must say that I found the answers given by the Attorney General yesterday extremely difficult to understand in the terms in which they were expressed—that is, of relating to the national interest, because that is a question that is contained in the results of the referendum and the European Union (Withdrawal) Act 2018. Following reports that I have heard, I also find it most unsatisfactory that this issue is regarded as a parlour game, and that we have been told to stop messing around with the process and to grow up. I think that that somewhat underestimates the significance of what we are dealing with here, but I will leave it at that, because people in these circumstances sometimes use language that underestimates the importance of the matters that are being dealt with.

I would like to say to the Leader of the House and to the Law Officers that the question of conventions turns on the reason for the rule. In this context, the reason for the application of this particular convention, which includes the question of the ministerial code, clearly demonstrates that, unless we know what the Attorney General has actually given by way of a full disclosure, it is extremely difficult to know whether or not the public policy that has been pursued is consistent with the legal advice that he gave.

Ivor Jennings was one of the greatest constitutional authorities on these matters. He said that “conventions are observed because of the political difficulties which arise if they are not.”

I suggest that nothing could better illustrate the current situation, and in particular the issues relating to the ministerial code. The ministerial code states:

“The Law Officers must be consulted in good time before the Government is committed to critical decisions involving legal considerations.”

The Chequers proposals are at the heart of the beginnings of the issues with which we are considering the withdrawal agreement, and I have been informed that the Law Officers were not consulted before the Chequers proposals. This has had dire consequences. Indeed, I said to the Prime Minister on 9 July that I did not think she would be able to reconcile the Chequers proposals with the express repeal of the European Communities Act 1972 in the European Union (Withdrawal) Act 2018, which was passed on 26 June, 16 days before Royal Assent was given. We were then presented with the Chequers proposals. Everyone knew, when Royal Assent was given, that the express repeal of the 1972 Act had been enacted, yet it was clear, because it happened only a few days later, that an 80-page White Paper was being produced, the effect of which was to demonstrate that the 1972 Act was going to be considerably altered. I regarded that as a massive breach of trust, but it could have been resolved if we had had the full advice of the Attorney General at that time.

Under that same convention, and with respect to the present withdrawal agreement, it is essential for us to know now whether the present Attorney General gave advice on the issue of incompatibility between the express repeal of the 1972 Act in the European Union (Withdrawal) Act and the withdrawal agreement. There is no indication in the Attorney General’s introduction to his legal statement yesterday that he addressed that question as a matter of fundamental constitutional importance. Indeed, he states that the agreement needs a new Act of Parliament in domestic law, but as I pointed out in The Sunday Telegraph that is no more than a wing and a prayer.

I asked the Prime Minister about such matters during her statement last Monday and in the Liaison Committee, but I received no satisfactory answer. I also asked the Attorney General a similar question yesterday, requesting that he draw his attention to a Queen's bench division that was cited as a precedent for the disclosure of the Attorney General’s advice. There are four other precedents, but Factortame is particularly significant due to the incompatibility between the 1972 Act and the withdrawal agreement.

If we do not have the full disclosure of the Attorney General’s opinion, that is relevant to the question of whether the actual withdrawal agreement itself is invalid under the Vienna convention, because a fundamental failure to comply with internal domestic constitutional law amounts to grounds for the invalidity of such a withdrawal agreement.

James Cartlidge (South Suffolk) (Con): Will my hon. Friend give way?

Sir William Cash: Just one moment. If there is a danger that the withdrawal agreement could be invalid, that is a matter of fundamental importance on which I would have expected the Attorney General to include his opinion, but there is no evidence whatsoever that he referred to that in his opinion, and that is why we need
full disclosure. I also understand that there are sheaves of papers within governmental circles unpacking the repeal of the 1972 Act with respect to the prospective withdrawal and implementation Bill, which is again a matter of extreme public importance. By any standards, all these matters fall not only within the ministerial code, but within what I would have hoped and expected the Attorney General to deal with in his opinion and the statement he gave yesterday, but there was nothing there to give me any comfort whatsoever.

To say that we should move on and get real and that what the Attorney General thinks is in the national interest actually is in the national interest does also bear on the question of whether the European Union (Withdrawal) Act is a matter of extreme public interest and fundamental importance. The failure to address that question in the introduction and in the legal statement seems to be a mistake of the first order and, furthermore, to be inconsistent with what I would have expected from the legal opinion of the Attorney General.

As to the role of the Attorney General, I simply refer to the authoritative work “The Attorney General, Politics and the Public Interest”, published in 1984 and written by Professor John Edwards. In his chapter dealing with ministerial consultations with the Law Officers, it is made clear that all legal advisers from all Departments will ultimately turn on the view of the Attorney General. Edwards states that there will be times when the Attorney General, perceiving the legal implications of a Department’s ministerial consultations with the Law Officers, it is by Professor John Edwards. In his chapter dealing with the Public Interest”, published in 1984 and written that question in the introduction and in the legal statement seems to be a mistake of the first order and, furthermore, to be inconsistent with what I would have expected from the legal opinion of the Attorney General.

As Edwards says on page 190 of his authoritative work, for the Government to reject such advice would be quite exceptional and would reasonably lead to serious questioning by the Attorney General himself of his continuing to serve as the Government’s chief legal adviser. Without full public disclosure of his opinion, it will be impossible to get to the bottom of all the considerations that are at the heart of the issue of public trust to which the former Secretary of State for Exiting the European Union referred regarding the manifesto and the reasons for his resignation and the conduct of the Government, to which I have referred myself in terms of broken promises made in the House recently.

The reason why my European Scrutiny Committee is making a full inquiry into this situation is, in a nutshell, because we want to get to the bottom of the conduct and the processes and the outcome of these negotiations, and we will do so by taking evidence. I trust that the Government will take note of the seriousness of the suggestions and the arguments that I am putting forward, because they go to the heart of public trust, the referendum vote itself, the repeal of the 1972 Act, whether the Attorney General has fully addressed the consequences for the withdrawal agreement of the opinion that he has given, which we have a right to see, and whether it is really in the public interest for it not to be disclosed.

Peter Grant (Glenrothes) (SNP): I commend those hon. and right hon. Members who secured this debate and thank you, Mr Speaker, for allowing it. I also pay tribute to the stamina of my hon. Friend the Member for North East Fife (Stephen Gethins) and of other colleagues who ensured that you had ample time last night to consider the response to the original application.

Later today, we begin five days of debate on possibly the most important peacetime decision that this Parliament will ever take. Also today, Ofsted has described the Government’s treatment of thousands of vulnerable schoolchildren in England as a “national scandal”. We have a major investigation into alleged profiteering by funeral companies, and we have had reports from the UN special rapporteur and the Joseph Rowntree Foundation highlighting the appalling poverty that exists here in one of the wealthiest economies on the planet. What does all that have to do with the motion before us now? The only reason why we are allowed to know and discuss those things openly and without fear is because the power of the state to prevent us from knowing about them is tempered by the rights of this democratically elected Parliament—not tempered nearly enough in my humble opinion. Elections to this Parliament are not democratic enough, but we do have an elected Parliament to hold back the excesses of the Government, and that is what today’s motion is all about.

We have a Parliament of 650 people, and each of us is entrusted to exercise sovereignty on behalf of those who have sent us here. A contempt of this Parliament is a contempt for the fundamental principle of the sovereignty of the people. A Government who seek to place themselves above the express will of Parliament are a Government in contempt of the people. They are a Government who have already taken a dangerous step down the road from democracy to dictatorship.

Today’s debate is not about the rights and wrongs of the original motion presented to the House on 13 November. Astonishingly enough, the time for debate on those questions was on 13 November. Let us not spend time today on questions of convention and precedence, of the confidentiality of legal advice or of when that confidentiality should be waived. The time for opposition to the terms of that motion was when that Question was put to the House, but the Government instructed their MPs to do nothing. They instructed their Members not to oppose the motion. I welcome the degree of humility that they have shown in admitting that they got that wrong, but that admission is not an excuse for the Government unilaterally to seek to change the wording of or meaning behind a binding decision of this Parliament. They have the audacity to come here yesterday and today and say that they, not Parliament, know what Parliament decided. They are placing themselves above Parliament. That is a contempt of Parliament.

As for the “legal position” document published yesterday that was going to fix it all, it could hardly have been more patronising if they had included pictures to colour in and wee join-the-dots puzzles every so often just to keep us interested. It was not a legal position by any accepted definition. It was possibly an attempted sop to some Conservative MPs, who are in a very difficult position—struggling between their understandable loyalty to their Government, to their party and to individual Ministers and their overriding loyalty to the people and to this Parliament.

As the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) said, the Government have made a habit of not turning up if they think they
are going to lose. Maybe the problem is that they are so used to being allowed to ignore the views and opinions of Parliament that they forgot that sometimes Parliament takes decisions they are not allowed to ignore. Maybe that is why they are so upset now. Maybe it is because, alongside the issues of what should and should not be made available to Members of Parliament and to the public, this decision has laid bare the incompetence at the heart of a Government who do not even know the basics of parliamentary procedure.

David T. C. Davies (Monmouth) (Con): Does the hon. Gentleman’s commitment to openness now mean that he will be asking the Scottish Law Officer to publish all her advice to the Scottish Parliament in future?

Peter Grant: I have absolutely no doubt that, if the Parliament that represents the sovereign people of Scotland gave a binding direction to the elected Government of Scotland, the elected Government of Scotland would comply with that binding direction. No such binding direction has been given, so let us not try to deflect attention from the clear and blatant contempt that has been committed against this House with completely false accusations of contempt elsewhere.

We have a Government who are behaving like a football team who do not turn up for friendlies if they think they will be beaten and then discover that they have missed a cup final and have forfeited the tie with a notional 3-0 score. Not only are they asking to be allowed to replay the final, but they are complaining that the score is void because the three notional goals would all have been offside if they had been there to defend them.

We are not talking about a game of football with a trophy at stake, and we are not talking about the sanctity or non-sanctity of the confidentiality of legal advice; we are talking about the most fundamental principle that governs our nations, the principle that Parliament can tell the Government what to do, not the other way around. This is not just some temporary individual aberration; it is part of a pattern of Government attempts to keep Parliament out of this altogether. They want to restore sovereignty to Parliament by keeping Parliament out of its own sovereignty.

The Government went to the Supreme Court to stop us having any say on the triggering of article 50, and they lost. They did their damnedest to stop Parliament having any say on the withdrawal agreement, and they lost. They spent thousands of pounds of our money trying to prevent a group of Scottish parliamentarians from finding out whether article 50 can be unilaterally revoked, and they lost. The Court of Justice of the European Union will now almost certainly find that article 50 can be revoked.

I pay tribute to the parliamentarians from five political parties and three national Parliaments who took that case to the Court. What they have won will prove to be a pivotal victory, but it raises a question that is too important to be treated as rhetorical, and a question that is highly pertinent to the substance of today’s debate. What kind of Government go to court to prevent their own citizens from knowing that the Government have legal powers but have chosen not to use them? What legitimate reason can there be for a Government to want their people to believe something is legally impossible when the Government already have legal advice telling them it is perfectly possible?

This morning’s preliminary opinion from the CJEU is simply another example of this Government’s attitude that the path they have chosen unilaterally is the only one worthy of consideration and that nobody is even allowed to know that other paths might be possible. They have their priorities completely wrong. They repeatedly tell us, and the Leader of the House said it often enough in moving the amendment, that their ultimate duty is to act in the public interest, but in fact they are demanding that Parliament and the public act at all times in the Government’s interest— that is not the same thing at all. The Government, and not the Parliament that holds sovereignty on behalf of the public, have taken upon themselves the right to decide what is in the public interest. The Government declare they know better than Parliament what is in the public interest. The Government place themselves above the decisions of Parliament, and they place themselves in contempt of Parliament.

Early next year we will see the 370th anniversary of the day when a crowned king of Scots was executed, just a few hundred yards up the road from here, for defying the will not of this Parliament—this Parliament did not exist then—but of one of its predecessors. I do not think anyone is suggesting a similar fate for those who are found in contempt of this Parliament, but we should be under no illusions about the gravity of what we are discussing, and we should be under no illusions as to how the mockery from the Conservative Benches is being perceived by those who believe this Parliament should be allowed to tell the Government what to do.

The elected Parliaments of our four nations, for all their faults, flaws, imperfections and ridiculously outdated, arcane procedures that the Leader of the House sometimes does not like, represent the rights of our citizens. No one, but no one, has the right to wield power over the people without the consent of the people. In a parliamentary democracy, that consent is expressed through Parliament, not through the office of the Prime Minister or any other office of state.

When Parliament speaks, it speaks on behalf of the people and the Government must listen. When Parliament instructs, it instructs on behalf of the people and the Government must comply. Parliament has spoken, and the Government must listen. Parliament has instructed. It has not asked, opined or suggested; it has instructed. The Government can disagree, moan or complain as much as they like, but they must comply with the instruction of Parliament.

Instead, the Government seek to defy the instruction of Parliament. They seek to defy the sovereignty of the people, as expressed through their elected representatives. It is now for Parliament to take the only course of action open to us to compel the Government to back down.

1.36 pm

Ms Nadine Dorries (Mid Bedfordshire) (Con): I apologise at the start, because I will have to absent the Chamber quickly to chair the Finance (No. 3) Bill Committee.
I begin my short remarks by referring to the comments made on the radio this morning by the right hon. Member for Carshalton and Wallington (Tom Brake). He conflated the Iraq war debate and the legal advice that was then issued with what is happening now, but the advice that was then issued, wrongly, by the previous Administration and that resulted in Members of this House going into the Lobbies misinformed and without the required information was about the legalities of the Iraq war, whereas this, as the Attorney General made clear yesterday, is a political decision, not a legal decision.

Tom Brake (Carshalton and Wallington) (LD): The comparison was about the risk of cherry-picking, and I do not think anyone would argue. On the Iraq war, the position set out by Lord Goldsmith cherry-picked the advice to maximise the Government’s position and to press their case.

Ms Dorries: I do believe that the two issues were conflated and that that was used to argue for revealing the legal information on the wrong predication.

I have been in a quandary about the vote today. I would like to see the full legal evidence, as I am sure everybody in the House would, but there are conventions and other people to consider, and civil servants fall into that category. They serve us all with true and absolute independence. I do not know how any Government would ever be in this place if we could not depend absolutely on the impartial legal advice we receive from civil servants. If this motion was passed today, what civil servant or legal adviser would ever want to advise any future Government without first putting in place a filter of self-preservation, by considering the advice they give? Who would want to do that as a civil servant? Although I would love to see this legal advice, we have a duty to consider others: the people who serve both the public and us. I have 100% respect for civil servants. They work amazingly hard; they are truly independent; and they serve us without any political bias, and that should absolutely be considered.

On the public interest and the points the Attorney General made yesterday, none of us, apart from him and a select few, knows whether there are any issues in that legal advice that pertain to intelligence, national security or any other of those issues. I have to assume only that when he spoke yesterday about public interest, he was talking in the much broader context. This is an important issue. As he said yesterday,

“There is no procedure by which this House can have redactions or entertain circumstances in which it could weigh the competing public interest against the interest in disclosure, as a judge would do.”—[Official Report, 3 December 2018; Vol. 650, c. 557.]

Given what happened with the publication of the summary of the legal advice during the Iraq war, this inevitability that is happening today should have been foreseen then. We live in a changing world, one where people demand transparency and have a right to know all the full information. I believe that a resolution should have been passed in this House to give powers to this House—after all, Parliament is a court—and a process in this House whereby this House, probably through the authority of your office, Mr Speaker, via the Clerks and independent judicial advice, should be able to take a decision and redact matters of national intelligence and security from legal advice, so that people in this House can see legal advice. I hope that as a result of what has happened today, and given that demands to see legal advice will be made again in the future, the House will take cognisance of that and decide to pass a resolution that will ensure that we do not find ourselves in this position again.

As far as I am concerned, we have been told the worst; the Attorney General pulled no punches. He said:

“There is nothing to see here.”—[Official Report, 3 December 2018; Vol. 650, c. 557.]

But he told us what needed to be seen, so let me again quote his words. He said:

“There is therefore no unilateral right for either party to terminate this arrangement. This means that if no superseding agreement can be reached within the implementation period, the protocol would be activated and in international law would subsist even if negotiations had broken down.”—[Official Report, 3 December 2018; Vol. 650, c. 547.]

He told us the worst: we will be in the backstop in perpetuity. That was as bad as it gets. If we cannot withdraw from the backstop following the decision of this House, we are trapped, as somebody said from a sedentary position yesterday. I believe that no MP with any conscience, given what the Attorney General told us yesterday, could vote for the withdrawal agreement, because he pulled no punches—he told us the worst it can be. I commend him for that.

I want to finish, because I have to, with a comment about us. I listened to the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) when he said what he said at the Dispatch Box. One day, and I hope he is white in hair and long in tooth before he gets there, he may be the Attorney General, and his words may come back to haunt him at some time in the future. I have watched him many times and I could see that thought going through his mind. As a former legal adviser to one of most eminent law firms in the country, he knows full well, when he stands at that Dispatch Box, what he is saying and what he is doing. I hope you never find yourself in the position that you have put our Attorney General in. I would like to finish—

Mr Speaker: Order. I cannot quite understand why the hon. Lady thinks that someone of my limited capabilities aspires to the high office of Attorney General.

Ms Dorries: I should know better, Mr Speaker, and I apologise. I would like to finish by saying that before we are Attorney Generals, Mr Speakers and Front-Bench spokesmen, we are all MPs—we are all elected Members. I believe that the Attorney General came to this Dispatch Box yesterday with honour and in good faith, and he was honest. If this motion is passed, the integrity, reputation and honour of a good man will be traduced. It would be a disgrace for this House to do that, because any one of us may one day be in that position. I hope that this motion does not pass today for that reason.

1.45 pm

Nigel Dodds (Belfast North) (DUP): It is a pleasure to follow the hon. Member for Mid Bedfordshire (Ms Dorries). I do not agree with the main thrust of what she said, but I did find Dispatch some useful and pertinent comments about what the Attorney General said yesterday in terms of the analysis of where we find ourselves. I agree with her and with other right hon. and hon.
[Nigel Dodds]

Members who have praised the Attorney General, his candour, his honour and what he brought to the House yesterday in terms of more truthfulness about what this deal actually means. By contrast to others who have been prepared to say things to the press and media, he came here, as a member of the Cabinet, and told us some of the unvarnished truth about this agreement. So I praise him for that and join the hon. Lady in what she has said, as I went through the adjectives that he used in his devastating commentary yesterday. He said that this deal was “a calculated risk”; that it was “unattractive”, “unsatisfactory” and “undesirable”; that it provided “no unilateral” exit clause for the UK; and that it was indefinite, with

“no unilateral right...to terminate”...—[Official Report, 3 December 2018; Vol. 650, c. 557.]

Yet he asked us to take it on trust that it would all never happen because, believe it or not, having spent 18 months negotiating all this, the EU and the Irish Government do not actually want to implement any of it.

The fact is that despite all the candour and all that was said yesterday, coming to this House to make an oral statement lasting two and a half hours and taking all the questions and providing the reasoned position paper does not actually fulfil the order given by the motion that was passed by this House, which was for the final and full advice provided by the Attorney General to the Cabinet to be published. The Government may not like the fact that that was passed by this House, but they cannot simply wish it otherwise.

During the debate on 13 November, they argued that they would do precisely what they have now done, and that was rejected by the House—the House passed a different motion. We do not particularly single out the Attorney General here, because, as he said in his statement yesterday, he wished that he was not in the position he was in. The Government as a whole are collectively responsible for deciding that they would simply ignore this binding, effective motion and revert to doing what they said they would do during the debate. Frankly, that cannot be allowed to stand. We have heard a lot of talk about precedent and about conventions of this House and respect for all that—surely, this is one area where the Government must respect the will of Parliament. They simply cannot set it aside.

The right hon. and learned Member for Rushcliffe (Mr Clarke), the Father of the House, in his intervention earlier, made an interesting and positive contribution about a way around this. Interestingly, the Government did not take that up. They did not take it up during this debate and they have not taken it up previously, so clearly it appears they are not interested—they certainly have not said anything publicly up to now—in taking that suggestion forward. What they have done is say, “No, no, it doesn’t matter what is said by this House. It doesn’t matter what other suggestions are out there. We are going to stick to the plan.” Obviously, the Government have a grid somewhere, where it is on the plan that they will publish this reasoned summary position paper and have a statement, and that is it. This House will have the final say, and I hope that it will reiterate what on 13 November it ordered to be done.

We are told that this situation is unprecedented. It was said in the other place yesterday that such advice can be published in exceptional circumstances. I have also heard the argument used that the advice is privileged, but of course in the lawyer-client relationship privilege belongs to the client, not to the lawyer—not to the person giving the advice. The lawyer has a duty to protect the client’s privilege, but the reality is that if the client waives that right, the lawyer—the provider of the advice—is quite at liberty to disclose it. So the argument about privilege is bogus.

The Attorney General said yesterday that he wished he could comply with the order of the House, but that it is not in the national interest or the public interest. I am afraid it is not the duty or job of any Minister to decide that. The House has decided what it wishes to do and it is not for a Minister unilaterally to override that with no good reason.

James Heappey (Wells) (Con): The right hon. Gentleman is a patriot, and he therefore understands national security and the national interest. Does he agree that it is quite probable that in the legal advice that the Attorney General gave to the Government would have been an analysis of the strengths and weaknesses of the Irish Government’s position and that to publish that in full would hand to the Irish Government an advantage in any subsequent negotiation?

Nigel Dodds: I think the massive advantage to the Irish Government, other Governments and the European Commission in respect of future leverage over the negotiations is handed over in the withdrawal agreement. I do not accept what the hon. Gentleman says, because the Attorney General went on the record yesterday to say:

“There is nothing to see here.”—[Official Report, 3 December 2018; Vol. 650, c. 557.]

So there is obviously nothing of concern about national security in his advice. That is what he said himself.

The reality is that we had this debate on 13 November. The Government had the chance to vote against the motion and decided not to because they feared they would lose the vote. Their abstaining from a vote on an Humble Address cannot invalidate the motion, because that would set a very serious precedent.

Some of the legal advice that the Attorney General has given to the Cabinet—the advice it is crucial that we must have—has already been leaked by members of the Cabinet to the press and media. I think the Attorney General accepts that. The reality is that members of the Cabinet have already released to members of the press and media some of the advice given by the Attorney General in terms to the Cabinet. The Attorney General is somewhat estopped, if I may use a legal term, from saying that the rest of us are not entitled to have that advice. If some members of the media and press are entitled to have it, Members of this House are entitled to have it.

Sammy Wilson (East Antrim) (DUP): Does my right hon. Friend agree that as the Government and the Prime Minister are going around the country trying to convince the populace that it is a good deal, this secretive approach only confirms in people’s minds that there is something to hide? If anything, the Government are scoring an own goal by refusing to publish the advice.
Nigel Dodds: I thank my right hon. Friend for that intervention. Indeed, that very point about the Government actually scoring a massive own goal, in their own terms, has been made not from these Benches but by a former Cabinet Minister on their own side and by many Government Members. My right hon. Friend sums it up very well. What is there to hide? Given that the Attorney has said that there is nothing to see and given the fact that the clear motion was passed by this House, it is now vital that that decision is enforced and the bogus arguments against it rejected.

1.54 pm

Mr Dominic Grieve (Beaconsfield) (Con): I am not sure that members of the public who come to watch our debates necessarily appreciate our role as the High Court of Parliament, but that is what we are. By virtue of history, we have been given a whole range of powers normally enjoyed only by others of Her Majesty’s courts—by which we regulate our affairs and maintain our own privilege—which also means, by virtue of the Bill of Rights of 1689, that we cannot be impugned in any other court—and by which we have coercive powers for dealing with those who transgress in front of us, and that can include Government Ministers. The difficulty we have—I say this having served on the Standards and Privileges Committee and having also been a Law Officer—is that our powers are entirely archaic, almost completely unusable, and in many cases so old-fashioned and antiquated that any attempt to use them would probably run foul of most modern principles of justice. I am afraid that this situation has been allowed to prevail for decade after decade by a mixture of a failure of the House to grip the problems it faces and, of course, the happy complacency of Government, who have known that in reality the teeth are not really present for this House to be able to assert its authority.

Nowhere do we see all that come to a head more than with this issue. It is all very well criticising the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) for using a blunt instrument, but there are only blunt instruments to be used. He was fully entitled to table the motion and to seek from the Government the documents that he wanted. The Government chose—slightly to my surprise, I have to say—not even to oppose the motion, even though there were compelling arguments that could be presented. Indeed, I continue to be of the view that the Law Officers’ advice should not be published because it undermines the ability to provide proper confidential advice to Government.

That said, the method that was adopted—this may simply have been because of the speed with which the drafting took place—was undoubtedly very blunt. Given its ordinary meaning, as I interpret it the Humble Address extends not just to the Attorney General’s advice but to every bit of advice about the development and impact of the withdrawal agreement that was provided through the civil service to Government at that time during the two and a half years of tortuous negotiations with the EU. I have no doubt that most of that advice is unlikely to be of great relevance to what the House wants to see. Moreover, some of it may undoubtedly contain confidential material that, if put in the public domain, could well jeopardise the national interest. To take an example, I do not suppose that the House would seriously contemplate requiring the Government to disclose the name of agents who work for MI5 or MI6. But we have to face that fact that this House does have the coercive power to make such a request. That highlights not only the untrammelled nature of the House’s sovereignty but the extent to which it can be open to abuse.

During the course of the debate on the Humble Address, I think the right hon. and learned Member for Holborn and St Pancras became aware that the terms of the motion were rather widely cast, because at that point he restricted them to seeking the final and full advice provided by the Attorney General to the Cabinet concerning the terms of any withdrawal agreement. [Official Report, 13 November 2018; Vol. 649, c. 235.]

Having been a Law Officer and supplied advice to Government, I simply make the point that although it may surprise the House a little, I have simply no idea whether there ever was a final and full advice of the kind that was identified. In my experience, the advice provided by Law Officers comes in a continuous stream of dribs and drabs which, by letter to the relevant Department, to the Prime Minister and, if necessary, to the Cabinet, touches on a multiplicity of things without necessarily being drawn into a whole. I must say, therefore, that what is being sought is about as easy to measure as the length of a piece of string. It is not at all clear what the motion was seeking to grab on to, although I accept that in so far as it was seeking to acquire the original documents of some of the advice that was provided, it is manifestly clear that it has not been complied with; that is apparent.

Faced with that problem, where should the House go? Within this House there will, of course, be differences of view: the Government wish to protect their position; and the right hon. and learned Member for Holborn and St Pancras and all those on the Opposition Benches, and indeed some on my own Benches, who wish either to embarrass the Government or just to see this information, and indeed some on my own Benches, who wish either to embarrass the Government or just to see this information, are going to be profoundly dissatisfied. The question of the culpability of Ministers is in any case not uniform. In defence of my right hon. and learned Friend the Attorney General, he is not a member of the Cabinet, although he attends Cabinet, and, as the point has been made, he is covered by legal and professional privilege when it comes to disclosing the advice that he provides to his client. The one person who cannot be blamed for this mess is him. He came along to provide the best explanation he could yesterday, but the fact is he is not responsible for making the decision as to whether the documents that the House wants are disclosed. I assume that that may have been a collective decision of the Cabinet, although knowing the way that the Cabinet works, I am not even sure that that is necessarily the case. It may be an individual Minister, or it may indeed be my right hon. Friend the Prime Minister. Whichever it is, this also emphasises the blunt nature of the instrument, which is then reflected in the motion that has been brought before the House today.

Referring the matter to the Committee of Privileges may be seen to be getting the Government a little off the hook, but it is not a stupid course of action. I can, I am afraid, anticipate a little how it is likely to progress because, in its session, the Committee of Privileges will immediately come to the awareness of just how complex and bedevilling this entire area is because of the lack of clarity of both our Standing Orders and the processes of this House. However, simply to go ahead without
doing that and to move to a statement of contempt—I am not quite sure and it has not really been explained where, if that is passed, we would proceed next—does not seem to me, on balance, to be the better course of action. I say on balance because I have sympathy with the position of the right hon. and learned Member for Holborn and St Pancras. However, I acknowledge that, on the face of it, we have processes in this House and if this House is to work properly, they should be capable of being met.

What this highlights over and over again for me, and has done for many years since I came here and particularly after I became a Law Officer, is that our processes and powers bear no relation to the real world in which we have to operate and that, as a consequence, they can cause serious injustice. That is something that all of us should be very careful to prevent.

2.2 pm

Tom Brake (Carshalton and Wallington) (LD): May I start by praising the Attorney General for spending more than two hours answering questions, but may I also gently chide him for the manner in which, occasionally, his style of delivery descended rather into Vaudeville? Finger-pointing, faux bonhomie and expansive arm gestures may work in court, but perhaps he might like to leave those at the Bar of the House.

The Leader of the House referred to an arcane procedure and Government Members have talked about Opposition Members playing parlour games. The arcane procedures and the parlour games to which the Government Members refer are about holding the Government to account on a matter of contempt. Arcane they might be, but, clearly, they are essential as well. Members will know that Parliament’s bible, “Erskine May”, makes it very, very clear that the Government’s actions are in contempt. The Government’s refusal to release the advice is an act that impedes the House in the performance of its functions, and what could be a more important function for this House than to be able to take the decisions in the next week or so in full knowledge of the impact of Brexit having seen the full legal advice on Brexit? That is why we are here today. That is why, Mr Speaker, I wrote to you on 28 November and subsequently signed the joint letter raising this issue of contempt.

The Government came forward with a reasoned position paper. The right hon. and learned Member for Beaconsfield (Mr Grieve) did a good job of explaining quite how complex and extensive the legal advice is that the Attorney General will have received, but that rather reinforces the point that the Attorney General’s producing a synopsis of said extensive legal advice spread over much correspondence runs the risk of presenting that synopsis in a way that is most advantageous to the Government. In relation to my intervention on the hon. Member for Mid Bedfordshire (Ms Dorries), who is no longer in her place, the only point that I was making again—I am very happy to get it on the record again—in relation to the advice about the Iraq war is that, clearly, that advice was cherry-picked, massaged and presented in a way that reinforced the Government’s case. That is the only comparison that I am making, with the possible risk of the Government, unintentionally perhaps, doing exactly the same thing in relation to the full legal advice that Ministers have seen—and indeed that Ministers have leaked. While a reference was made to that leaking, the Attorney General simply shrugged his shoulders as if the leaking of that advice selectively to the media by the Government is perfectly normal and acceptable in the daily course of Government business.

We know what happened in relation to that advice about the Iraq war, and, as for the Government’s amendment, we know clearly what the purpose of that is. Even with undue alacrity, the prospect of the Committee of Privileges addressing this before 11 December is precisely nil, so we will clearly not get that clarity, guidance and direction to the Government before 11 December. I must say that I suspect that that is what motivates the Government in pushing that amendment. This is, of course, a pattern of Government unwillingness to allow Members of Parliament access to the legal advice that we need in order to take the decisions that we need to take. The article 50 case is a very good example of that, as the Government have repeatedly refused to say whether article 50 is revocable, hiding behind the fact that they will not seek to revoke it, so Parliament does not need to know. I am very pleased that, today, the Advocate General has given a recommendation—it is only a recommendation, but one that is very likely to be adopted by the Court—that makes it very clear that article 50 is revocable. For Members of Parliament voting next week, it is critical to know whether, if a people’s vote is secured and if, at the end of that campaign, people vote to stay in the European Union, we have a means of revoking article 50 to bring that into effect.

Geraint Davies (Swansea West) (Lab/Co-op): On that point, does the right hon. Gentleman believe that the Attorney General gave advice to the Government on the revocability of article 50 and has hidden that advice from this House, and that is why we have not had that disclosure?

Tom Brake: All we know for a fact is that a number of Members of Parliament, including, I suspect, the hon. Gentleman, have repeatedly asked the Government to confirm their position on that and they have not been willing to do so, which is why, on these Opposition Benches, we very much welcome the fact that the European Court will resolve this matter in the next couple of weeks.

Just on that issue of article 50, I wanted to thank the hon. and learned Member for Edinburgh South West (Joanna Cherry) for leading that charge, along with Members of the Scottish Parliament, and indeed also the hon. Member for Nottingham East (Mr Leslie), who is not in his place today but who has joined me in a supporting role to the hon. and learned Lady.

Mike Gapes (Ilford South) (Lab/Co-op): I am really pleased that the right hon. Gentleman, my hon. Friend the Member for Nottingham East (Mr Leslie) and the hon. and learned Member for Edinburgh South West (Joanna Cherry) took the risk of taking this case to the Court to establish an important principle. If the decision now is in line with the advice that is being given, then that is in the interests of the democracy of this country. We should all register our thanks to him and the other Members.
The tradition of Humble Addresses is very clear—that the Humble Address is followed. Now, that does not mean that this House is irresponsible in passing Humble Addresses. We have heard suggestions that we might seek information from the security services. This House has never passed a Humble Address of such an unwise kind.

Although I am not, dare I say, the greatest admirer of the socialists on the Opposition Benches, I accept that they are responsible enough not to wish to endanger the security of our nation, but that Parliament has the power does not mean that Parliament will exercise the power. Indeed, and importantly, this House constrains its right of free speech in relation to the sub judice issue. We have passed Standing Orders, and we give power to Mr Speaker, to stop hon. and right hon. Members breaching the sub judice rule in order to ensure that the system of justice in this country proceeds properly. Likewise, we are entitled to limit the means of Humble Addresses and the information that can be received from a Humble Address, but we did not do so before 13 November. Therefore, what happened on 13 November ought to be complied with, because if we simply say that motions of this House according to great antiquity and precedent can be ignored because the Government feel like it, what is this House here for? How are we protecting the rights of the people we represent? How are we able to seek redress of grievances?

The Humble Address may have been unwise. Indeed, had there been a Division on 13 November, I would have voted against revealing the Attorney General’s information and advice to the Government. I did not think that the Humble Address was well advised, but the Government decided to accept the motion. Having done so, it was not then up to the Government to say that it was not in the national interest to do so. I am afraid that is a classic confusion; the Government interest and the national interest are different things. The Government interest is a political interest, and the national interest is a higher interest. In my view, the national interest is better served by respecting the privileges of Parliament than the convenience of the Law Officers. Therefore, in the national interest—not the government interest—this legal advice ought to be produced because Parliament has said so.

This is clearly a right that this House has. Every Select Committee has the delegated right to send for persons and papers, and this is simply an exercise by the whole House of requiring that papers be produced. But the Government, with their majority—perhaps a majority they cannot always achieve, but at least with a technical majority thanks to our friends in the Democratic Unionist party—ought to be able to stop any papers being produced that they believe are too confidential. Indeed, it is still open to the Government to bring forward a motion suggesting that the previous motion be overturned; there is precedent for overturning a Humble Address and seeking to do the opposite. There is a proper process for the Government to follow if they do not want to release these papers, rather than sticking their feet in the mud and saying no.

Then we come to the motions before us today, and here I agree with my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). I do not think that the motion before us actually works because it is too indistinct about who it is criticising—that is, it is criticising Ministers broadly, rather than the ones specifically...
Mr Jacob Rees-Mogg

concerned. The motion needed to be more specific about who it was objecting to and who it was holding in contempt, and indeed it ought to have used the rights of Parliament to inflict some punishment on the person who is deemed to be in contempt.

Helen Goodman (Bishop Auckland) (Lab): If the hon. Gentleman feels as he has described, why did he not table an amendment to the motion in the name of my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), setting out what he thinks ought to have been done?

Mr Rees-Mogg: Because the Government have tabled an amendment that I feel I can support. [Interruption.]

We are not in pantomime season quite yet. [Hansard Reporters, Mr Speaker is nodding, and I therefore hope that this can go into the record as an authoritative reply.]

I am happy to support the Government’s amendment, because I think it is right that a Committee of this House look at the issue in broad terms. It may be right that the House wishes to take a self-denying ordinance on the extent of Humble Addresses. It may be that we would like to say specifically that they would be deemed disorderly, and therefore not tabled, if they related to matters concerning the security services or other types of information where there would be a broad consensus that those matters should not be brought forward. The ability to demand papers could require—dare I say that the tax returns of Opposition Members be brought to the House—[Interruption.]

Mine would be so little interest that I cannot imagine it happening. That would be a clear abuse of the precedents that we have. So it may well be right that the Privileges Committee should consider broadly how Humble Addresses should be used to ensure that they are effective, because currently they ought to be effective and the Government ought to abide by them.

Dr Andrew Murrison (South West Wiltshire) (Con): I am following my hon. Friend’s remarks with a great deal of interest. He will know, since he is an expert on “Erskine May”, that it says very clearly on page 168, from memory, that the Humble Address should not normally be used on matters that touch directly on Bills before Parliament, as this clearly does. So was the Humble Address being used correctly, in his view, or incorrectly?

Mr Rees-Mogg: I am sorry to say that my hon. Friend is not quite right. There is not a Bill before Parliament on this issue—there is a motion before Parliament on this issue. Those two things are clearly separate matters that are not to be confused. I have no doubt, Mr Speaker, that had a Humble Address been brought forward on a Bill before Parliament, it would have been ruled disorderly and therefore would not have been a subject for debate. For the benefit of the Hansard reporters, Mr Speaker is nodding, and I therefore hope that this can go into the record as an authoritative reply.

I have one concern about the reference to the Privileges Committee, and that is of course that the Attorney General is himself a member of that Committee, though a non-voting member who does not affect the quorum.

Andrea Leadsom: The Law Officers would recuse themselves from any such meeting.

Mr Rees-Mogg: I am extremely grateful for that. It gives me complete confidence in supporting the Government’s amendment. But I absolutely reiterate that, however the vote goes today, the Humble Address must be obeyed unless overturned. For the Government to fail to do so would not be treating Parliament properly. We on the Government Benches must remember the great need for us, when we are in power, to defend the rights of Parliament for those occasions when we will not.

2.22 pm

Geraint Davies (Swansea West) (Lab/Co-op): The question before us is whether there is additional information that was in the legal advice that is relevant and pertinent to the crucial question that we must ask ourselves in voting on the withdrawal agreement. Against that, the Government have suggested that there are security and national interest matters to defend. The motion says that Ministers should provide “the final and full legal advice provided by the Attorney General to the Cabinet concerning the EU withdrawal Agreement and the framework”.

That does not imply that every email and every jot and tittle is required. In terms of national security and the national interest, that means that there is not a great risk.

The question is whether there is a reason to believe that critical legal advice has been withheld. I suggest that there is such a reason. Yesterday, I put it to the Attorney General, following advice from counsel in two chambers, that the European Union (Withdrawal) Act 2018 gives the Prime Minister the right to submit article 50 based on an advisory referendum, but that if that referendum has been found to be conducted illegally and subject to cheating and lying, then the advice is flawed and so the notice should be withdrawn—and we have heard from the advocate general that in all probability it can be withdrawn. Was this advice tendered to the Government or discussed with them by the Attorney General? He did not mention it at all, and yet it is advice that is available. That suggests to me that the advice that has been given to this House is incomplete for us to draw our conclusions.

I turn to the argument that the Government should now revoke article 50 on the basis that the advisory referendum was flawed. First, we already know that the leave campaign misled the country during the referendum, deliberately or not. Secondly, multiple investigations by the Electoral Commission have found that the leave campaign broke campaign finance law. Thirdly, had those offences committed by the leave campaign been committed in a general or a local election, the result would have been legally void. Fourthly, the Government have a legal duty to take all relevant considerations into account when making a decision. Therefore, the fact that in any other election the referendum result would have been void due to one side’s illegal conduct is a relevant consideration when deciding whether to give effect to the result—that is, in ratifying the withdrawal agreement that would give Brexit effect.

In essence, then, the advice on the withdrawal agreement that the Attorney General should have considered would be whether the Government were failing in their duty by
promoting an agreement when the animating factor of the agreement—the referendum—was so fundamentally compromised. Therefore, the Government are acting illegally by moving forward with Brexit without giving proper consideration to these facts. This whole debate and discussion was not included. Whether or not one agrees with it, this discussion would presumably have occurred within the ambit of the Attorney General, but we do not know that. That is a key reason to believe that the advice being given has been doctored for party political reasons. We need the full and latest advice.

As we have heard, the advocate general is saying that article 50 may be revocable. What was the view of the Attorney General given in the legal advice to the Government? Have we not been told. The Attorney General must be aware of these points of law but has not listed them, and so we must conclude that he is withholding from the House relevant issues not for the national and public interest but for party political reasons, and is therefore in contempt of this House.

Antoinette Sandbach (Eddisbury) (Con): The hon. Gentleman has just made very serious allegations. Does he not recognise the importance of the legal professional privilege that attaches between a lawyer, as an adviser, and their client?

Geraint Davies: Of course I do. The whole point is that this House is entitled to the full legal advice. The Government are hiding behind this cloak of saying, “Oh, the national interest; oh, negotiations; oh, security.” That has nothing to do with it.

What I am illustrating with these legal arguments is that there are alternative views that need to be fully discussed so that we can take the right decision on the withdrawal agreement in full knowledge of the facts. We have had a doctored version that is politically spun in the interests of the Government getting their objectives through. They are protecting themselves by saying, “Oh, there might be issues of national security, MI5, the public interest, etc.” I have great support, I must say, for the Father of the House’s suggestion that if there were such problems with national security and so on, those parts could be redacted and we could see the full legal advice.

This motion focuses clearly on the legal advice provided by the Attorney General on the EU withdrawal agreement. Implicit in that, in my interpretation, is that we obviously do not need lots of details about MI5, national security, the negotiating position and so on. What we want to know is the legal position in respect of article 50 and of the illegalities during the advisory referendum that made it flawed, thereby undermining the power that the Prime Minister has under the EU (Withdrawal) Act based on the advisory referendum that we now find is flawed. None of this was brought before the House. Why? Either because the Attorney General and his colleagues are incompetent or because they are withholding that information.

Hannah Bardell (Livingston) (SNP): As the hon. Gentleman says, the Government are hiding behind the national and public interest and claiming to be the final arbiter of public interest. Does he agree that they are not the final arbiter of public interest, despite what some on the Government Benches may think, and that it is not in the public interest for the UK Government to be governing in secret, with Members of this House not having all the information to make a proper, educated decision?

Geraint Davies: Yes, that is precisely right. What the House wants is the complete legal arguments on either side of the debate on the EU withdrawal agreement. These are difficult issues; we all accept that, and we are all grown up. They might say, “Well, there are all these things about national interest, negotiation and security,” but people are not interested in that. We want the full facts. I have made some simple legal points that show the full debate has not occurred.

Dr Murrison: Is the hon. Gentleman interested, like I am, in legal advice given to the European Commission and its negotiators by its lawyers, which presumably the European Commission would like to be privileged in the same way as advice to the Cabinet is? Has he interested himself at all in that side of this negotiating process?

Geraint Davies: Yes, I am sure we would all be interested in that if it were available, but the issue on the table is whether the Government are in contempt, and there is reason to believe they are in contempt, because a lot of the legal arguments are simply being taken out.

Hilary Benn (Leeds Central) (Lab): My hon. Friend referred to the suggestion of the Father of the House. Does he recall that the last time a Humble Address was passed by the House, which instructed the Government to hand to the Select Committee on Exiting the European Union the exit analyses, I made it clear to the Government on behalf of the Committee that the Committee would take the decision about what was released? In the end, having read all the pages, we released 36 or 37 of them and held three back, because we accepted the argument made by the Government at the time, that those might not be in the national interest, given that negotiations were taking place. That is an example of the way in which a Committee of the House has been able to exercise that judgment on behalf of all Members.

Geraint Davies: That is a very helpful intervention, and it builds on the proposal of the Father of the House.

There is a time constraint here. Obviously, the idea behind the amendment is to kick this into the long grass so that we do not have full legal clarity to make an informed decision when we vote next Tuesday. It is critical that all the legal advice is available to Members before then. If there were a facility to enable the redaction of irrelevant and possibly dangerous facts, figures and information in relation to our national interest, national security, negotiating position and so on, obviously that would be much better. The main question is, are we going to have the full legal advice, or are we going to say, “What can you do? They’ve played the national interest card”? As my right hon. Friend the Member for Leeds Central (Hilary Benn) said, there should be—I hope there will be—a way through this maze, so that we have the full advice before the crucial vote.

2.32 pm

Mr Kenneth Clarke (Rushcliffe) (Con): I follow up entirely on what has just been said by the hon. Member for Swansea West (Geraint Davies). He and the right hon. Member for Leeds Central (Hilary Benn) obviously have some sympathy with what I said.
It seems to me that the House is facing an extremely difficult dilemma, which was exactly the one faced by the Attorney General yesterday. There are two very important constitutional principles involved here that are important to people on both sides of the House, and unfortunately the present situation puts them in direct conflict with each other. The first is the sovereignty of Parliament and its ability to instruct the Government to do things that the Government do not want to do. I will not repeat what my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) said, because I entirely agree with everything he said, but the Humble Address is an extremely important weapon of this House. It is the duty of Parliament sometimes to instruct the Government to do things. We know that whenever the Government lose a vote, they think Parliament is wrong—they disagree—but they should comply. Parliament in recent years has greatly weakened its powers vis-à-vis the Executive. We should all think ahead to future Parliaments and simply not weaken it any further.

The Government did not vote against the motion when it was before the House because they knew they were going to be defeated. We all know why they asked Conservative Members not to vote at all. I disapprove of that. A Humble Address is an instruction. I disapprove of refusing to vote on Opposition motions and other motions. It may well be that constitutionally they are not legally binding, but we have never previously had a Government that just said, “Well, the House of Commons can express opinions if it wants, but as they’re not legally binding, we won’t bother to attend, and not many of us will listen to it.” That is a very unpleasant step.

Ahead of us are votes, including the meaningful vote on the withdrawal agreement and votes on the Bill that is necessary to implement that. Particularly on the meaningful vote, I hope that the Government abandon the idea that the only vote of any legally binding significance is the one on the Government’s proposal—yes or no—and that if the House wants to pass amendments or motions or express a different opinion, that is very interesting and a matter of opinion, but the Government will ignore any amendments. That was virtually what was being urged on the Procedure Committee a few weeks ago.

I hope that when we get on to sorting out the procedure for next week’s vote on amendments and the motion and for the Bill that ultimately follows, we go back to the standard procedure, whereby amendments can be tabled to Government motions before the motion is put, and when amendments are carried, the only vote remaining of the House is whether it approves of the motion as amended. With great respect, I do not think we should take any notice of all this stuff about the Government’s duty being to listen to what the House says and then decide, in their opinion, whether the public interest justifies complying with it. I am entirely on the side of the critics.

On the other hand, as my hon. Friend the Member for North East Somerset said, the Conservative party will deeply regret when one day the Labour party has challenged the authority of Parliament, and the Labour party might well come to regret when it gets into government its attempts to override the convention that Governments are entitled to confidentiality when they get legal advice from the Attorney General. It is quite ridiculous to throw out either of those principles, because there are occasions when they are both extremely important.

I am not a lawyer in the same rank as my right hon. and learned Friend the Attorney General, though I have practised for many years. I once declined an offer of an appointment as a Law Officer, because I preferred to stay in the departmental job I was then in. I am now totally out of date—I accept that—but I am very familiar with the circumstances when a lawyer gives advice to his clients and gives honest opinions of the legal advice. Of course a lawyer is talking about the circumstances of the case, but Law Officers’ advice in particular, which I have seen many times when I have been given it as a Minister, is always premised on questions of policy, the law, arguments about tactics and comments on what the other side might do. Advice is given to a client in a way that 100% should be an accurate expression of the lawyer’s opinion of the law, but it will be coupled with lots of other things, because the lawyer does not just sit there ignoring the merits or what the client wants to achieve.

Justine Greening (Putney) (Con): My right hon. and learned Friend is making a powerful argument. He is saying that the House should not have to choose between those principles, and what we should have expected was more leadership from those on both Front Benches in order to reach a proper, thoughtful solution on how to strike the right balance—just as we have on security matters, for example. This is a unique position we find ourselves in, but it was not beyond the wit of the political leaders in our country to reach a solution and avoid this point.

Mr Clarke: My right hon. Friend summarises my argument in a very neat way. That is exactly the case. I will not do the Father of the House “What it used to be like” and all that sort of thing, but I would have expected—it would easily have happened in my time—the usual channels to sort this situation out.

Mr Peter Bone (Wellingborough) (Con): Oh dear!

Mr Clarke: Well, perhaps the usual channels were more reliable in the past. We would get together and agree that the House has passed a resolution, but there are these problems, and we satisfy the Opposition that their political desires can be satisfied and they can get all the documents with the embarrassing political opinions of the Attorney General—though I do not think they will find much, because the Attorney General is pretty candid. He is a very sound Brexitier. He and I do not agree on Europe in the slightest.

They can excise things such as security, which we have talked about. I do not know what is being excluded or held back, but it is likely to be comments on the negotiating position of the Commission, the strengths and weaknesses of the Government’s case and where there are risks. A great deal of a lawyer’s advice is, “This is my opinion, but the risks involved are this”. Some of these comments about other Governments, the Commission and so on it may well not be in the public interest to disclose. There are reasonable people on both sides of
the House and on the Procedure Committee, and I would have thought that we should certainly consider where we are going.

**Sir Oliver Heald** (North East Hertfordshire) (Con): Will my right hon. and learned Friend give way?

**Sir William Cash**: Will my right hon. and learned Friend give way?

**Mr Clarke**: I will not give way, because I am concluding. It will not take too long, because it is just my one suggestion that I am pursuing. I have made it twice now, so I will not labour it too long.

It seems to me likely that the motion we are debating is going to be carried. There must be a very considerable risk of that. I do not know whether the Chief Whip thinks he has a majority for resisting this motion. Even then, I would hope that we will consider how to do this in a responsible way that does not prejudice the national interest or the interests of British Governments. I would also hope—I am not sure that the Committee of Privileges is the best place to do this, but it was done in the case of the Exiting the European Union Committee, as we have been reminded—that somebody nominated as responsible by the Opposition could have a look at the documents and give the Attorney General the opportunity of explaining why, yesterday, he was so obviously wrestling with a dilemma or problem of conscience about simply not being in the national interest to put all this in the newspapers. The previous problem was solved by redactions, and I still urge that there should be redactions.

Nobody in the Opposition is going to allow the Government just to hold back things that are politically embarrassing, somewhat at odds with what the Government are now saying or advocating a tactic that the Government in the end chose not to use, and all that. Because we lost the motion for a Humble Address, I fear that Conservative Members have to be braced for that if these documents do come out. However, there is a public interest in not undermining the confidentiality of the legal advice.

I repeat my suggestion. No one knows where we are going in politics, who will be in government and who will be in opposition for very long, but what matters is that this Parliament is not weakened any further and that the ability of Governments of whatever party to rule in the national interest is not undermined. I repeat my suggestion, and I think that if the Opposition are victorious, they should in the public interest consider how far they wish to press it. I am sure that the House as a whole would accept it if they held back in some ways and the Law Officers’ confidentiality was left intact.

**Several hon. Members rose**—

**Mr Speaker**: Order. Before I call the next Member wishing to speak, may I gently point out to the House that, although many Members still wish to speak, afterwards we have the business of the House motion to consider and the debate itself with a protected period of eight hours? I make this point simply so that Members can factors that into the equation and not doubt take account of the mood of the House. That is the only consideration I am inviting colleagues to contemplate. From my point of view, there are, outside family, few joys greater in life than listening to right hon. and hon. Members on both sides of House and from all points of view. **[Interuption]**

I should get out more, somebody says from a sedentary position. I am the servant of the House, so I am not complaining—it is a joy—but people might want to bear in mind that their own enthusiasm to speak is not always matched by a comparable enthusiasm of everyone else to hear them. I call Mr Chris Bryant—and that is not personally directed at him. It was not personal.

2.44 pm

**Chris Bryant** (Rhondda) (Lab): Your wisdom, Mr Speaker, in always making that point just before you call me is shared by the whole House. I am absolutely sure. So we are all united now and everybody can just agree with what I am about to say.

Although I sympathise with the arguments made by the Father of the House and for that matter with the points made by the hon. Member for North East Somerset (Mr Rees-Mogg), I disagree with the conclusion to which they have come. I am delighted that the motion does not mention the Attorney General by name because I do not think this is a matter of the Attorney General being a dishonourable man at all. I am very fond of the Attorney General. I think he is a wonderful man. I think he is entirely honourable and, yesterday, he did his level best in the Chamber to provide what he thought he could, within the terms and the strictures given to him by the Government. However, I would say that we are today facing an extraordinary moment. I cannot in the history of Parliament find a moment when the Government have referred themselves to the Committee of Privileges. The best argument they have today, in response to the motion moved by my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), is—“Instead of deciding already on the House’s behalf that the Government are in contempt, we will refer it to the Committee of Privileges.” Always in the past, that has been to decide, prima facie, that there is a case to answer. So the Government themselves accept at the very least that there is a case to answer about their being in contempt. I cannot think of another moment in our history when that was true.

In fact, as several Members have already said, the Attorney General himself in a sense confessed his own guilt to the charge of contempt yesterday. He said on the motion for the debate we had previously:

“We should have voted against it.”—[Official Report, 3 December 2018; Vol. 650, c. 579.]

Of course we should have done. It would have been good if the Government had made in the debate back then all the arguments they are making today and made yesterday afternoon. Some of us might have listened to the argument about national security then. It might have been an appropriate argument then, but it was not an appropriate argument yesterday and, for that matter, it is not an appropriate argument today.

The Attorney General repeated time and again yesterday that he knew he was not fulfilling the will of the House. That is what we are asked to decide today—whether the Government are fulfilling the will of the House. He himself said yesterday that he was not fulfilling the will of the House. In an extraordinary moment, he said:

“The House has at its disposal the means by which to enforce its will.”—[Official Report, 3 December 2018; Vol. 650, c. 574.]
That is what we are doing now. To all intents and purposes, the Attorney General yesterday asked us to do what we are doing this afternoon and I think he fully accepts that the House has to be able to have its way in the end.

I say to the right hon. and learned Member for Beaconsfield (Mr Grieve) and the hon. Member for North East Somerset, the other thing that is extraordinary about the motion before us—the Opposition motion, supported by the other Opposition parties—is that there is no sanction involved in it. In fact, the only thing it requires to happen is that the will of the House is abided by. That is the only thing. It may be that we have to return to this if the Government choose to ignore it, but my suspicion and hope is that, if the Opposition motion is carried today, the Government will say, “Alright. Fair do’s. That’s twice we’ve been told now. We do actually have to abide by the decision of the House.”

Mr Rees-Mogg: Could the hon. Gentleman help the House by explaining what the next step would be if the Government did not then publish the information and what procedural effect could be had or what motion could be brought forward to follow up on the motion before the House today?

Chris Bryant: I do not want to go back to 1340, as the hon. Gentleman did, and I am not going to. I prefer to cross my bridges one at a time. I am hopeful for all the good reasons that he himself adduced that, if the House for a second time decides to insist on its will, the Government will then comply. To be honest, if that were not to be the case, I hope other hon. Members who today are dubious about this procedure would want to stand in favour of more robust measures. The anxiety is of course that there is a time factor. We cannot let this roll on until after next Tuesday because then the Government would have completely defied the will of the House beyond the time necessary.

Chris Philip: A few moments ago, the hon. Gentleman referred to having to implement the will of the House. Does he believe that there should be any limitation on the House’s ability to impose its will, for example, if it came into conflict with an individual’s personal or civil liberties?

Chris Bryant: In the debate that would transpire, I do not think that hon. Members would vote for such a motion. The hon. Gentleman asks me a hypothetical question, and we have been dealing with lots of hypotheticals. I have tried to search through history for a moment when the Government refused to abide by the will of the House when there was a Humble Address and I simply cannot find one. We should therefore deal with the actuality rather than the hypothetical. I say to Conservative Members that it is all very well when sitting on the Government Benches to say that the Government should have their way, but that does not normally serve the long-term interests of the nation, and in our current system, the Government have phenomenal power.

Sir Oliver Heald: The hon. Gentleman knows that our Committees often ask for papers and sometimes the response to such requests is to say that the documents are legally professionally privileged. In those circumstances, the House tends to use a bit of discretion and common sense and often an agreement is reached about exactly what is to be disclosed. Is not that what is needed here?

Chris Bryant: It would have been interesting if the Government had made that argument, but they did not. They made no argument—they allowed the motion to go through. If they had said in the meantime, for example, yesterday afternoon, “We will provide the document that you want. We’ll give it to the Chair of the Exiting the European Union Committee, which has a majority of Conservative Members, and it can decide what should be in the public domain”, I think the House would have been content. That would have been a perfectly logical process to adopt, but the Government have not done that. Perhaps they will do it later today if they lose the motion—I do not know.

Let me consider the important substantive point. Can the House require the Law Officers to provide their legal advice to Parliament? It is important that Select Committees can require documents of all sorts of people outside Parliament, and it is difficult to enforce that if we cannot even require documents of Ministers. Yesterday, the Attorney General referred several times to “previous editions of ‘Erskine May’” to show that “the motion to return” is traditionally always “confined to documents of public and official character.”—[Official Report, 3 December 2018; Vol. 650, c. 563.]

That was his argument for saying that “Erskine May” did not really allow for Law Officers to provide anything that was sought by the House, even though the current 24th edition does exactly that. He suggested that the 22nd or the 23rd edition had changed the rule and that we should return to a previous version.

Perhaps the Attorney General was referring to the 10th edition of “Erskine May”, which, as I am sure the hon. Member for North East Somerset knows, came out in 1893. In that, the traditional version of this doctrine, which I think the Attorney General meant, is laid out:

“The opinions of the law officers of the Crown, given for the guidance of ministers, in any question of diplomacy or state policy, being included in the class of confidential documents, have generally been withheld from Parliament.”

I think that the Attorney General believes that that still should be the case, although that has been superseded. Unfortunately for the Attorney General, “Erskine May” goes on to say:

“In 1858, however, this rule was, under peculiar and exceptional circumstances, departed from, and the opinions of the law officers of the Crown upon the case of the Cagliari, were laid before Parliament.”

I will not go into the instance—I know that hon. Members are saddened by that.

The point is that, when the House has required that the Law Officers provide the information, they have always done so. The Attorney General’s argument therefore does not stand.

Michael Tomlinson (Mid Dorset and North Poole) (Con): That also appears in the 17th edition of “Erskine May” from 1964, to which I will refer if Mr Speaker calls me. In the case to which the hon. Gentleman refers, in the middle of 19th century, the Minister voluntarily gave that advice, which was not demanded by the House.
Chris Bryant: It was required by the House. Indeed, it was required by the House of Lords and the House of Commons. The point about the 1893 version, which survived for a while, was that the information was provided “under peculiar and exceptional circumstances”, but they were peculiar and exceptional in a remarkably similar way to the current case, because the information dealt with international treaties and the relationship between other countries in Europe.

The House must surely be able to require documents. Just as the Speaker is the servant of the House, so in the end, the Government have to bow the knee to Parliament. It is not good enough for the Government to say, “You’re all wrong; you’re benighted; you don’t understand the full implications. We, the Government, are the only people who have seen the whole truth and understand the security implications.” If they want to find some other arbitration method through the processes of the House, such as a Select Committee, that is fine, but that is not what they have done.

In the end, we reach the simple point, which I do not think a single one of my constituents would understand: the Government look as if they are trying to keep something secret; the Law Officers want to say one thing in private, in Cabinet, and another in Parliament. That is not to accuse anybody of hypocrisy. It is simply to say that my constituents would not understand why the Government would want to keep the information secret. I say to Government Members: one day, you will sit on the Opposition Benches and if you vote against this being contempt and therefore against requiring the Government to produce the documents, that power will be gone forever.

Several hon. Members rose—

Mr Speaker: Order. In inviting an illustrious lawyer next to address the House, it is perhaps more in hope than in expectation that I reiterate the plea for brevity. I call Bob Neill.

2.56 pm

Robert Neill (Bromley and Chislehurst) (Con): I am grateful, Mr Speaker, and in an endeavour to fulfil that injunction, I say, as lawyers would, that I adopt most of the arguments that my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) made, particularly his masterly analysis of some of the matters, and I do not intend to repeat them.

However, it is important to recognise that there is a potential conflict between two important concepts: the revived use of the Humble Address, which may be of value to the House, and the imperative of protecting the concept of lawyer-client privilege generally, and particularly as it relates to advice given to Government. Having been a much less distinguished member of the Government than my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), I confirm what he said about the way in which legal advice is received by Ministers. The impression has been given that it is as if, a little like in private practice, we are asked to produce one big rolled-up opinion as a nice document for which one charges appropriately. That is not what happens in practice here. We need to draw that distinction.

Another point concerns the particular nature of the Law Officers’ convention, which goes beyond the normal lawyer-client privilege. The hon. Member for Rhondda (Chris Bryant) rightly conceded that it was wrong to attack the Attorney General because he is not the client but the Government’s lawyer. Having known my right hon. and learned Friend the Attorney General professionally and personally for the better part of 30 years, I have absolute faith in his integrity. I believe that he did everything he could to fulfil the injunctions placed upon him. I have absolute confidence that he spoke frankly and that he would not, as the right hon. Member for Carshalton and Wallington (Tom Brake), who is not in his place, unworthily suggested, cherry-pick. My right hon. and learned Friend has never approached his responsibilities as a lawyer or a politician in that way. In a sense, the wrong person has been put in the dock.

I will support the Government amendment because the conflict between the use of the Humble Address and protecting parliamentary privilege requires something more than the summary disposal that will come at the end of the debate. The way in which we deal with the interaction between those two matters warrants serious consideration. If the Humble Address process is to be updated, perhaps it is a matter for not just the Committee on Privileges, but the Procedure Committee to look at. I offer that as a constructive suggestion.

For a proportionate way forward, the Committee on Privileges is best placed to consider the matter in a dispassionate and evidence-based way and I therefore support that. Perhaps the Committee might look at the option that the Father of the House floated. However, for today, I urge hon. Members to accept the Government amendment and not to imperil a fundamental legal and constitutional privilege.

2.59 pm

Mr Peter Bone (Wellingborough) (Con): Much of the debate today has been about what the debate should have been back in November. I am going to dismiss those arguments. Had a vote taken place in that debate, I would have voted with the Government. However, they did not put it to the vote and they accepted the motion. That is a matter of fact. It is therefore clear that not providing the information is a contempt.

The Father of the House, my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), and my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) argued the problem that it breached the other important aspect—confidential legal advice for the Government—which I also accept. It seems to me, however, that the only way we will get something like what the Father of the House suggested is if we vote for the contempt motion, so that the Government can then come back, overnight if necessary, to suggest that option. I do not see how we get to that if we vote for the amendment because it will go off to the Privileges Committee.

I was undecided before I came into the Chamber, but because of the arguments from my hon. Friend the Member for North East Somerset, the Father of the House and, for that matter, the hon. Member for Rhondda
(Chris Bryant), it seems to me that the motion before the House, signed by spokesmen for six different parties in this House, is not actually critical of any particular Minister. All it says is what the original motion said—it is perhaps even more precise than the original motion—about publishing the legal advice. Unless something changes very dramatically between now and the end of the debate—I have to leave the Chamber, Mr Speaker, as the Chief Whip would like to have a word with me—I think that, if the House votes for the contempt, a compromise will happen and we will get hopefully properly redacted information before we vote next Tuesday.

3.2 pm

Sir Bernard Jenkin (Harwich and North Essex) (Con): I am most grateful to you, Mr Speaker, for letting me speak now. I have been able to listen to the debate before deciding whether to speak. That may be unusual.

I rise to speak because the Public Administration and Constitutional Affairs Committee is in the process of concluding our inquiry into the status of resolutions of this House. We have been looking at the question of what we call “motions of return”: how they should be used by the Government to demand the advice to Ministers as well as legal advice, the advice to which we are entitled to see from this distance are really just partisan politics.

This House operates on the basis that it is not the Government. The Government exist as a separate legal entity and function when this House is not sitting, when Parliament is prorogued and even when Parliament is dissolved. Parliament holds Ministers to account and we scrutinise the work of the Government. We make the laws that bind the Government, and this House controls the supply of money to the Government and the Crown. But we do not run the Government. We have parliamentary Government, but not Government by Parliament. The point about labouring this little constitutional essay is that if we forget that, there is then confusion and we risk creating more confusion about how the distinct roles and responsibilities of Parliament and Government have to be divided if we use our powers and procedures irresponsibly, unpredictably, in the wrong circumstances, or—dare I say?—as a bit of oppositionism.

Where does that leave this Humble Address, a device that until very recently was not used since the 1850s? We find ourselves in a very abnormal political atmosphere. I will come back to that point in a moment. This device is known as a motion of return. If it was to be used indiscriminately and frequently, if the Opposition were to use the vulnerability of the Government to demand the advice to Ministers as well as legal advice, the minutes of internal meetings, previous drafts of policy or speeches, or matters of national security, it would be impossible to conduct the Government business. That does not happen, because we rely on the self-restraint of Parliament.

The credibility of the unwritten powers of this House depends on their responsible exercise. As they cease to have credibility, they will not be respected. Incidentally, the Select Committee has just returned from a visit to the US Congress. The US, of course, has a written constitution. One might think that that would provide all kinds of solutions, but it does not. They are suffering from exactly the same problems and exactly the same kind of breakdown in the understanding of the norms and conventions that surround their written constitution. Even in the US, it is not unknown for the Executive to ignore new laws passed by Congress.

I referred earlier to the normal atmosphere that we usually enjoy in politics and how, until very recently, motions of return had fallen into what our learned Clerks call “desuetude”—that is, they had ceased to be recognised as functioning bits of the constitution. So why are they being revived now? First, we have a minority Parliament. In particular, we have a minority Parliament where the confidence and supply agreement with the Democratic Unionist party appears to have broken down. Secondly, as in the US, politics has become extremely polarised, particularly between the two factions of remain and leave. The referendum demonstrated that the balance of opinion is different in the country from what it might be in this House. That presents particular challenges. Thirdly, just as in the US, there is a breakdown of trust: trust in politicians generally, and trust, restraint and respect between the political parties and between factions. We have noticed—have we not?—how deeply embittered some of the political arguments are particularly around the referendum and the European Union question. As in the US, norms of procedure and convention become overshadowed by partisan dispute and political opportunism. I invite the House to look at the US and the endless confected rows about matters of supposedly fundamental constitutional importance, which we can see from this distance are really just partisan politics.

There is a strong case for reviewing and codifying in some way many of the ancient devices, procedures and powers of this House, but that would not resolve what we should do today. The right hon. and learned Member for Holborn and St Pancras (Keir Starmer) underlined the real weakness of the justice in his case. Its weakness is a matter of procedure that is in the public interest. He warned the Government that they faced being found in contempt of the House. That supposes we are a high court of Parliament, which we are not, and that we are operating as some kind of judicial authority on this matter. But of course this Chamber is not behaving like anything we would recognise as a court. I am afraid that this vote is likely to divide on party lines. There is very little that is objective about this finding of contempt, which he invites the House to do in this debate.

The Government have made a sensible compromise. The hon. Member for Rhondda (Chris Bryant) said that the Government seemed to admit that they were in contempt. The amendment is an admission that there may be a contempt, by referring the matter to the Privileges Committee where there might be a slightly less partisan and heated atmosphere and where there might be a more objective atmosphere in which some of the ideas and procedures for sorting this out as quickly as possible could be reached.

I invite the Leader of the House to consider whether she would accept a little addition to her amendment—that the Committee should be required to report by 10 pm on Monday, so that there is no suggestion that the Committee is being used as a device to knock this into the long grass. I am going to give her my unqualified
support for her amendment anyway, but I suggest that she could accept that proposal, or at least invite the Committee to report early next week in time for the debate—not that I think many people will change their minds as a result of what the Government may or may not publish. I think this issue has got caught up in this great dispute about our future relationship with Europe. It is the elephant in the room in the debate, and this is not necessarily the best circumstance under which the absolutist device of a Humble Address should have been exercised in the first place.

3.10 pm

Mr John Baron (Basildon and Billericay) (Con): I am neither a lawyer nor a constitutional historian, but I concur with my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), the Father of the House, and indeed, my hon. Friend the Member for North East Somerset (Mr Rees-Mogg), in suggesting that it is regrettable that we have got to this position. One would not—Government Members, certainly—start from this position if we had to choose, but as hon. Members, we have to make a decision about the facts before us. The point I put to the Opposition is that they have failed to answer a very obvious question. Their motion is a take-it-or-leave-it, all-or-nothing approach, which does not recognise the sensitivities of the situation at hand, which has been built up by convention over decades, if not centuries, in trying to balance the will of Parliament with the national interest.

Many of us in this place have no problem with the concept that the will of the House of Commons should be recognised by the Government, but there is a delicate balance on issues of national interest. I do not think that anybody in this place would question the national interest when it comes to, for example, the role of our special services or our intelligence services, or indeed, Cabinet minutes freshly laid. That is generally accepted, but there is a grey area that we have to approach very carefully, and the Opposition’s all-or-nothing approach risks establishing a principle that they may come to regret one day. It is very important that there is honesty and honour in this place, but we also have to recognise that there needs to be a filter for claims about the national interest by Governments, and the Opposition’s motion lacks that filter. What the Opposition would be doing is putting everything out on the table, but there may be issues in that disclosure that are sensitive when it comes to the national interest. It is a reckless idea that risks riding roughshod over decades of convention when it comes to trying to establish that balance.

I make no bones about it: I do not like where we are as a Government on this issue, but we have to judge the situation as it is now, and the filter that could achieve the delicate balance that is needed in this situation is with regard to the Committee of Privileges. Although it is not a perfect answer to this situation, it would serve as a means of filtering information that is perhaps against the national interest.

I will support the amendment this afternoon—one hopes—but I urge the Opposition to think this through very carefully. On the balance of opinion, I think that the Government may lose this, but I suggest that the Opposition act with restraint in the follow-up, because there is a real danger that they could one day regret what they have done, and they should be careful what they wish for.

3.14 pm

David Linden (Glasgow East) (SNP): I am very grateful for the opportunity to contribute to the debate, Mr Speaker. So far I think I am the newest Member to do so, so this is clearly the first time that I have witnessed a privilege motion coming before the House. I want to reflect on how we have come to this position. I had to nip out for five or six minutes to attend a Delegated Legislation Committee upstairs this afternoon. Before that Committee began, Government Members were talking about the importance of the Humble Address and how the House must adhere to it. I had been reflecting on the fact that before that, I had been down here, and we find ourselves in the very sorry circumstances of our debating a privilege motion before the House. This is somewhat unprecedented for the vast majority of Members.

Since I entered the House in 2017, time after time, we have seen the Government ride roughshod over this Parliament. This is a Parliament that is meant to be taking back control, but it has been denied money resolutions, it is not adhering to Opposition day votes and it is not adhering to a binding motion of the House calling for the release of this legal advice. It might be uncomfortable for the Government to release that legal advice, but the reality is that the House has voted for that. Members claim regularly that Brexit is an opportunity for us to take back control. Well, I am afraid that Government Members cannot have their cake and eat it. If they are serious about the House taking back control and about adhering to the will of the House that was outlined in November when the original motion was passed, they should vote for the motion in the name of the right hon. and learned Member for Holborn and St Pancras (Keir Starmer).

3.16 pm

Dr Andrew Murrison (South West Wiltshire) (Con): A number of interesting things have come out during this debate about our general procedures and our way of handling matters of the sort we have been discussing—in relation to procedures and privileges, and the nature of the Humble Address and whether it is an appropriate vehicle for advancing Labour’s essentially political aims. I think there is one thing on which we can agree: we need to find a sensible way forward, and it seems to me that the Government’s amendment, although not perfect, is a sensible way through this particular conundrum. The Government are clearly not in principle averse to being as transparent as possible, but they have to safeguard the national interest. My right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) made a sensible suggestion, as one would expect, on the use of Privy Councillors to examine this matter. Of course, we have the Privileges Committee, which is up and running already. As a number of right hon. and hon. Members have said, although it is imperfect for the purposes of examining this issue, it is at least there and we could at least support that in determining whether the very serious charges of contempt are reasonable or not.

We have to understand that some serious allegations have been made. Lawyers and legislators understand full well what contempt is. The general public probably think that it means something rather different, and they can be forgiven for that. Contempt is a very harsh term.
If it is associated with individuals—I am not suggesting that the Attorney General has necessarily been associated with this, but Ministers have been—and it sticks, that is very serious, even if we have not decided yet what the penalty might be. Of course, when this language was being got up hundreds of years ago, the penalties may have been very severe indeed. Mercifully today, that is not the case, but we have yet to determine what happens if individuals are found to be in contempt. That is left uncertain, but one thing that we can agree on is that this is a very serious allegation to make and the consequences are potentially significant, so we have to get this right. Simply to use an arcane measure such as the Humble Address to make this determination, untrammelled, seems unfair to me.

If we accept that this is a rather archaic vehicle, which is more traditionally used not for legislation or things that might lead to legislation, but for providing gifts to Commonwealth countries, as suggested in “Erskine May”—which I cited in my intervention on my hon. Friend the Member for North East Somerset (Mr Rees-Mogg)—we must also accept the possibility of using a measure that is not ideal for determining this issue, and that, in my view, means the Privileges Committee.

Mr Jim Cunningham (Coventry South) (Lab): Does the hon. Gentleman agree that what has upset Members on both sides is the fact that the Government several times now have ignored the will of the House? That has antagonised a lot of Members.

Dr Murrison: The hon. Gentleman is right. The difficulty is that a court of law has available to it a judge who can determine what may be disclosed. The Freedom of Information Act, passed fairly recently, put significant constraints on what may be disclosed and gave powers to the Information Commissioner to use their discretion to permit, or otherwise, information to enter the public domain. We do not have that here.

The Government are mindful not only of potentially setting a precedent, but of the very real possibility that in the advice given—in this case, by the Attorney General—there might be something that is embarrassing to this country internationally or which has security implications. It is irresponsible of the House not to recognise that dilemma, which the Government now face. They are trying to reconcile their duty to be as candid as possible with their duty to safeguard the public interest, and specifically the interests of individuals who might be adversely and directly affected by such a disclosure.

On contempt, it is inappropriate to dwell for one moment on the nature of the advice the Attorney General gave to the House yesterday. Nobody in this place could fail to have been impressed by his candour, and it seems wholly inappropriate to associate the word “contempt” with anything he said.

I have grave reservations, as a former Minister in the Ministry of Defence and the Northern Ireland Office, about the impact that this could have on the disclosure of sensitive information. I am worried about that, knowing what I do about the nature of some of the material that the Government would like to keep unto themselves. It has nothing to do with the precedent in 2005 cited today in relation to the Iraq war, where it came two years after the event and dealt with whether the Government had behaved lawfully. That is not a question facing the House today—clearly the Government are behaving lawfully—so the two cannot be compared or contrasted in any way. The Government amendment is a sensible and pragmatic way forward that reconciles the House’s desire for openness and transparency with their legitimate desire to ensure that they put nothing in the public domain that might harm individuals or set a dangerous precedent.

3.22 pm

Robert Courts (Witney) (Con): It is an honour to speak in this important debate and to follow my hon. Friend the Member for South West Wiltshire (Dr Murrison), who made some excellent points, all of which I agree with.

It is worth restating the fundamental issue that we are dealing with, which is the clash between Parliament, as a sovereign institution and the highest court in the land, and the right of the Government—any Government—to have access to independent, unvarnished, honest legal advice. I suggest that this is a moment when all Members, on both sides of the House, ought to engage in a period of cool, calm reflection. I would further suggest that the Government’s amendment is the correct way to do that.

Kevin Foster (Torbay) (Con): Does my hon. Friend agree that traditionally the Law Officers’ advice can only be released with their consent? The information has now been revealed via a statement—that is self-evident—but there is that convention to bear in mind.

Robert Courts: I am grateful to my hon. Friend, who, as always, makes an excellent contribution. It is normally the case that the client has the ability to waive legal advice if they wish, but, in the case of Government Law Officers, there clearly is another layer to that, and their position is of enormous importance.

The Government’s amendment is the correct, cool, calm way to look at this matter. We are in uncharted territory. The very fact that we are all discussing constitutional and historical precedents today means that we all ought to avail ourselves of more time in which to study those in detail so that the Privileges Committee can consider the real constitutional and historical ramifications of any decision we take.

To be honest, there are a number of questions to which I do not know the answer. Does a Humble Address trump privilege? It would be helpful if somebody were to look into that and consider it. I do not think there is a straightforward answer because I do not think it has ever been tested—I may be wrong. My point is that a period of cool, calm reflection on such points would be of benefit to everybody in the House. Further, where does the line fall in terms of disclosure? Is there a question of redacting elements of advice? If so, where does the line fall?

Many Members will be clear that the line falls when we are talking about national security—that is relatively straightforward perhaps—but what about the national interest? It is not so easy to define, but it is something that we ought to consider carefully before rushing into what are extremely serious matters, not just of party politics—although of course there is a big element of
that in this—but of constitutional and legal theory and practice that could have profound consequences for any Government. The Opposition ought to be aware that at some time not for a long time—they might be sitting on these Government Benches and should consider the position they would wish to take.

Dr Morrison: Is my hon. Friend interested, as I am, in the position of the European Commission? A number of right hon. and hon. Members would be interested in the advice given to the European Commission by its legal service. I suspect that it would take a very dim view of any request that might prejudice the position taken by the Commission’s negotiators.

Robert Courts: My hon. Friend makes an excellent point. In the middle of a negotiation, in any discussion that by necessity is high profile and tense, any disclosure of advice that might undermine a negotiator is clearly to be regretted. The Commission will have its legal advice, and we might like to see it, but there is a good reason why we cannot see it and why the Commission should not be able to see ours.

The Government are approaching this matter in a better way than the Opposition’s motion because, as hon. Members have mentioned, they have used an archaic procedure. It was not designed to deal with this situation. [Interruption.] I hear an hon. Member say the whole House is archaic. The whole House is old and historic and flexible, but this procedure has not been used for many years and is not designed for a matter of such sensitivity. It is designed for the production of documents, not legal advice

Michael Fabricant (Lichfield) (Con): What does my hon. Friend think the Director of Public Prosecutions, say, might think if he were asked to give private legal advice that would then be made public?

Robert Courts: That is an excellent point.

Keir Starmer: If and when I was ordered, as Director of Public Prosecutions, to do something by order, I complied.

Robert Courts: I am grateful to the right hon. and learned Gentleman for making that point. Of course, he has considerable experience in those matters, but we are dealing here with a wholly different consideration. He deals with circumstances in which he has been subject to a court order, which brings me precisely to my point. No doubt he will say to me that Parliament is a court—it is the high court of Parliament, the highest court in the land—and I accept the force of that point, but the court before which he has been used to appearing, and the court before which I have been used to appearing at the Bar, has a procedure for dealing with such matters that we do not have here.

A number of Members have already referred to the Freedom of Information Act, which contains exemptions for certain purposes. The right hon. and learned Gentleman will also be aware of public interest immunity applications, which are made when cases are being prosecuted, and a judge can look confidentially at documents and there can be redactions and so forth. None of that applies here, because this procedure is not designed for the purpose for which it is being employed by the Opposition. There simply is no mechanism for this procedure to deal with issues of the gravity of those with which we are dealing now. To its great credit, the Government’s proposal offers a way of looking at that.

Chris Bryant: When I sued Rupert Murdoch for hacking my phone, the court required him, under the Norwich Pharmacal procedures, to provide all the documents. His team legally had to do so, because if they did not, they would be in contempt. That is an exact parallel of what is happening here.

Robert Courts: The hon. Gentleman is right—he makes a good point—but he is referring to something wholly different. He is referring to disclosure, not the waiving of privilege. Any Member—[Interruption.] I am sorry, but they are wholly different concepts. I did not wish to sound patronising to the hon. Gentleman, but, as any lawyer—including those on the Front Benches—will realise, legal privilege is protected. That is totally different from the disclosure of relevant documents, when someone is expected by a court to disclose documents that can assist the other side. For example, the prosecution may be expected to disclose documents that undermine its case or could be reasonably expected to assist the other side’s. There are procedures laid down in law, through practice and regulation, which deal with those circumstances. They do not apply here, because they do not exist, and they do not apply with regard to legal privilege. That is the crucial difference. There is no mechanism to weigh, under the Humble Address procedure, all the subtle points that we have been discussing today.

I will end my brief remarks by making the point that the Attorney General has come down to the House and spent two and a half hours answering questions—

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): And he is here today.

Robert Courts: And he is here today. He answered those questions with absolute honesty and candour, strikingly so, and he made a number of points on which Members will be reflecting. I apologise for summarising those points, but essentially, with regard to the backstop—he will correct me if I am wrong—there is a risk that it may be indefinite. When I asked him about it, he kindly agreed that that was a sound analysis. What he said can be summarised as “That is as far as the legal advice can go.” The disclosure of legal advice will not provide answers; it will only take the House’s consideration so far. After that, it is a political judgment. The political judgment that we must make over the next week is one for us: it is one for us on a political basis. It will not involve an answer being given on the basis of legal advice, whatever standpoint is taken on Brexit or on the Prime Minister’s Brexit deal.

Given that the legal advice will not provide an answer, Members ought not to continue to pursue its disclosure as if it will be a panacea that will provide something that we do not already know. We already have those points. We already understand the impact on what has been negotiated, because we can read it for ourselves in the withdrawal agreement. We understand what the Attorney General thinks, because he has told us. That is as far as legal advice can take us, because over the next
week we will not be debating whether what the Government propose to do is legal; we will be debating whether or not it is something that we think the Government should do, as a matter of politics and policy, and that is wholly different.

As the Government have suggested, the Committee of Privileges is the right body to consider this matter. I ask the whole House to support the Government and not the Opposition.

3.34 pm

David T. C. Davies (Monmouth) (Con): Publishing the legal advice on the Brexit Bill would be a “dangerous precedent”. Those are not my words, but the words of Mike Russell, MSP, who back in March was the Scottish National party’s Brexit Minister. He was talking about the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill. He refused to publish the legal advice because, he said, it would set a “dangerous precedent”.

David Linden: Can the hon. Gentleman tell me whether there was a motion in the Scottish Parliament advising Mike Russell that he had to do that?

David T. C. Davies: I am sorry; I did not quite catch that.

David Linden: The hon. Gentleman clearly was too busy trying to plan how long he will speak this afternoon. Can he tell me, for the record, whether a motion was passed in the Scottish Parliament asking Mike Russell to do that?

David T. C. Davies: I am not an expert on the Scottish Parliament—[Laughter]—but I do know that the Scottish National party Minister was refusing to publish that advice. The hon. Gentleman laughs, but it was on the front page of The Scotsman back in March. Mike Russell refused to publish it because he said it was a dangerous precedent.

The fact of the matter is that Governments across the United Kingdom—Governments of all political parties, the SNP included—know that they must have the right to be able to obtain legal advice without that advice being published. Not just Governments but local authorities—even, dare I say, the House of Commons authorities—can get hold of legal advice, and it is very important that that advice remains confidential. If it does not, the danger is that at best it will become a political football, kicked around by members of all parties using the information to try to buttress the arguments that they wish to present, and at worst it will become a stick which can be used to beat our own Government by the Governments of other nations who may, during complex negotiations, have aims that differ very much from our own.

What the Government have been doing is not defending the information about Brexit, because we already know what the problem is. I am an ardent Brexiteer. I already knew that the problem would be over the backstop. None of the information that has come out since then—none of the information that was leaked, rather unhelpfully, over the weekend—has changed anything. We already knew that the problem was the backstop, and we will no doubt spend more than a few minutes debating that over the next couple of days. If anything, however, I have been reassured by what I have seen—reassured that the Government have at least been behaving honourably, because we have not learned a single thing from the leaks that came out over the weekend that we did not already know about. There has been no smoking gun, and no hidden information.

The principle is what the Government have been defending: the important principle that the information that they access remains confidential. It is not only SNP Members who are being inconsistent; so are Labour Members. They already have a Labour Government in Wales, and that Labour Government are not known for their approach to openness. I can certainly tell Opposition Members that I have submitted numerous freedom of information requests to the Welsh Labour Government that have not been properly dealt with, and I am pretty certain that they are not going to start publishing the information that they receive from their legal officers. Let me also say to my Liberal Democrat friends that there is not just a Labour Government in Cardiff; there is a Liberal Democrat Education Minister. Wonderful though she is, will she start publishing the information that she gets from her law officers when she decides to close down school sixth forms, as has happened in my own constituency? I would like to think that she might, but I doubt it very much, and I doubt whether the right hon. Member for Carshalton and Wallington (Tom Brake) will be asking her to do so.

What I detect here is a whiff of inconsistency from Members opposite—a whiff of inconsistency from those who for years have accepted that Governments and public authorities have the right to independent, impartial, confidential legal advice, and who know perfectly well that if that advice is going to be offered up in public it will no longer be sought.

This is a not an attempt to get openness; this is yet another attempt to subvert the will of the people, who in a referendum in 2016 clearly voted to leave the EU, and that is why I will be supporting the Government amendment tonight.

3.39 pm

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): I must be one of the few non-lawyers to contribute to this debate. However, I am a passionate believer that the conventions of how we as a Government conduct the business of government should be respected, and that these conventions we abide by are there for a reason. We must protect the integrity of the Law Officers in advising the Government. The ramifications of not doing so—the ramifications of publishing legal advice given to a Government—could be hugely damaging. I wonder whether when the other side are in government—as they surely will be one day—they will be as keen as they ask us to be to publish confidential legal advice.

Members are unlucky today, because I was considering withdrawing from this debate, but I did not feel that I could let the comments of the hon. Member for Glenrothes (Peter Grant) pass without remarking on the near-parody of the position SNP Members find themselves in in attaching their names to this motion. Let me take the House back to October 2012 when the then First Minister
Alex Salmond was asked by Members of the Scottish Parliament to confirm whether he had sought legal advice over whether Scotland would continue to be a member of the European Union if it was to gain independence in 2014. Notwithstanding the fact that it transpired that thousands of pounds of taxpayers’ money was spent to cover up the fact that no legal advice was actually sought, in answer to a question on this very topic to the BBC’s Andrew Neil, the former First Minister said:

“You know I can’t give you the legal advice, or reveal the legal advice of law officers.”

David Linden: I hold the hon. Gentleman in very high regard, but he is missing the point here. There is a difference between being questioned by the BBC about legal advice and Parliament having a binding vote, which is why a contempt motion has been brought before the House today.

Andrew Bowie: I fully respect the hon. Gentleman as well, as he knows, but I put it back to him that the Scottish Government have through their actions shown themselves to be disrespectful of the Scottish Parliament on binding motions, for example on primary 1 testing or indeed Scottish Executive prior to 2007? A single instance when a binding motion of the Scottish Parliament has not been complied with by the Scottish Government or indeed Scottish Executive prior to 2007? A single example would do.

Peter Grant: I am interested that the hon. Gentleman says that the Scottish Government decided these were advisory motions. Is it not the fact that they were advisory motions under the Standing Orders of the Scottish Parliament, exactly like the advisory motions from the Opposition that this Government have ignored for the last three or four years? Can he give a single instance when a binding motion of the Scottish Parliament has not been complied with by the Scottish Government or indeed Scottish Executive prior to 2007? A single example would do.

Andrew Bowie: I am not here to debate these issues; I am here to point out the rank hypocrisy of SNP Members in putting their names to a motion demanding that this Government publish legal advice when they themselves have not done so on countless occasions, including, as my hon. Friend the Member for Monmouth (David T. C. Davies) pointed out, recently when the Scottish Government’s Brexit Minister refused to publish their own legal advice for their continuity Bill. So I ask SNP Members what has changed: have they changed their minds on this, and do they believe now that it is in the interests of the country and of all Governments at every level—from here at Westminster to Holyrood to Cardiff to Belfast—to publish legal advice in full? If so, that is quite a change from where they were six years ago, and quite a change from where they were even six weeks ago, and it would lead to some interesting questions on the Floor of the Scottish Parliament.

Michael Fabricant: It seems to me that both the SNP and the former Director of Public Prosecutions are arguing that if Parliament passes a motion, even if it might not be in the public interest, the Government have to comply with that motion. Does it follow that if Parliament were to pass a motion that M15 or M16 were to open their files and make them public, the Government should naturally do that?

Andrew Bowie: I wholeheartedly agree with the first part of my hon. Friend’s question. I have enough respect for the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) to hope that the second part of the question would never come to pass. I do not think that even the Labour party today or the SNP would think it in the national interest to ask the Government to open MI5 files—I sincerely hope not anyway.

I must take issue with one comment made by the hon. Member for Glenrothes, when he described this Government as dictatorial, and on this I will finish. This is from a member of the SNP, whose Government have the worst record in publishing FOI requests of any Administration in the UK. He should look closer to home when he starts throwing such stones.

I will conclude now as I know that other Members wish to speak and I am conscious of Mr Speaker’s advice that not all Members are as keen to hear my voice as I am—[Interruption.]—although the hon. Member for Glasgow South (Stewart Malcolm McDonald) seems to be delighted to hear me speaking this afternoon. I put on record my support for the amendment tabled by my right hon. Friend the Leader of the House. Members of this House have a duty to consider the ramifications of their actions and the consequences of what they do today for short-term political gain. Members must consider the full constitutional and historic context of what they ask today.

By standing in the House yesterday and answering questions from all sides, and by making himself available to any colleague with further questions, the Attorney General has proven more than respectful of the House and certainly not in contempt.

3.45 pm

Alex Chalk (Cheltenham) (Con): It has been said more than once in this debate that this is the high court of Parliament. My constituents, and anyone else watching the debate, might assume that that is some historical nicety or arcane expression, but it is far more important than that. In the context of these proceedings, this court has the ability to achieve the conviction, punishment and disgrace of one of our number. Therefore, it is critical that when it does so, it complies with what we might think are natural rules of fairness and, in the present context, other important statutory limits—most obviously, of course, the European convention on human rights.

Why does that matter? Any court, be it the magistrates court, the Crown Court, the High Court or the Court of Appeal, must ensure that its proceedings are fair. Never is that more important than here in the high court of Parliament. It is no defence to say, “Well, we are seeking to condemn the Government as a whole.” In the court of public opinion, assumptions and judgments will be made about precisely who is being identified. If anyone has any doubt about that, it is made clear in the press that is already circulating on social media who it is who stands to be condemned.

In those circumstances, we need to be careful to ensure that what is taking place is truly fair. If these were criminal proceedings in a normal court—the magistrates court or the Crown Court—the first question would be what precisely is being charged. What is the matter that is being breached? I suggest that there is
serious confusion about what was ordered on the last occasion—the proceedings on 13 November. The written motion before the House on that day stated:

“That an humble Address be presented to Her Majesty, that she will be graciously pleased to give directions that the following papers be laid before Parliament: any legal advice in full”.

In the course of those proceedings, an attempt was made—perfectly properly, no doubt—to seek to amend that motion.

The document submitted to the House yesterday states that

“During the debate on that motion Labour’s frontbench made it clear that: ‘the motion requires the publication of the final and full advice’.”

Leaving to one side for a moment precisely what is meant by “final and full”, and leaving aside whether those two adjectives are capable of pulling in different directions, I suggest that some confusion must remain about what exactly happened. There were two hon. Members who sought to clarify what it was that we were being asked to vote on—my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) and my hon. Friend the Member for Banbury (Victoria Prentis), who is in her place. It was you, Mr Speaker, who said:

“Order. I am extremely grateful to the hon. Lady. It might profit her and all Members of the House if they listen to the development of the argument in which the shadow Secretary of State is engaged. Frankly, it is not really very confusing at all. There is a motion, and Members can read the motion and form their own view of it.”

In that remark, it seemed to me that you were saying, “Look at the text: it is tolerably plain.” But then my hon. Friend the Member for Chelmsford (Vicky Ford) said:

“I am deeply unclear—are you asking for publication of the final advice”—

which is what was being proposed orally—

“or of any legal advice”.—[Official Report, 13 November 2018; Vol. 649, c. 196-96.]

Although it is not necessarily for me to give evidence, there was a state of some confusion at the end of the proceedings on 13 November about precisely what had been ordered. That matters because the wording that appears in this motion is the latter, not the former. In other words, it is what is amended. That is significant because, if we are applying the European convention, proceedings must be fair under article 6, and article 7 says that there must be no punishment without law. In other words, it must be crystal clear precisely what law is alleged to have been contravened. I want to make the basic point that there was considerable confusion in the House about precisely what had been ordered.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I remember being here when that debate happened, and there was initially some confusion, but if such confusion reigned, why did the Government not oppose the motion at that time? It is all well and good to say now that it was unclear, but that was not the argument that was progressed at the time.

Alex Chalk: Respectfully, that is not right. My hon. Friend the Member for Chelmsford said at the time:

“I am deeply unclear—are you asking for publication of the final advice or of any legal advice in full that has happened during the entire negotiation? [ Interruption. ] With due respect, I am being asked for my vote regarding the motion on the Order Paper. Are you asking for what is on the Order Paper, which is, “any legal advice in full”—

that is, during the whole negotiation?”—[Official Report, 13 November 2018; Vol. 649, c. 196.]

At that point, Mr Speaker rightly intervened to ask who my hon. Friend was referring to, and so it went on. The matter was not clear. Given the importance of these proceedings, and the potential impact on one or more individuals, is it not right that the House should be crystal clear about what is on the indictment, so to speak?

Mr Kevan Jones (North Durham) (Lab): I am following the hon. Gentleman’s argument, but will he answer the question that my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell) asked? If the motion was so unclear, why did he not vote against it and why did the Government not oppose it?

Alex Chalk: Respectfully, that is no answer at all.

Mr Jones: It is!

Alex Chalk: It is no answer at all; absolutely not. To take an analogy, if the prosecution were to bring proceedings against the hon. Gentleman for an alleged crime and if the court were satisfied that the proceedings were bad through duplicity or lack of clarity, the court would stay those proceedings because they would be improper proceedings. That is what has happened here. There are real concerns about these matters. In these circumstances, if the high court of Parliament wishes to act in a way that is proportionate and fair, the proper outcome is to refer the matter in accordance with the terms set out in the amendment. Those are my representations, Mr Speaker.

3.52 pm

Michael Tomlinson (Mid Dorset and North Poole) (Con): It is a great pleasure to follow my hon. Friend the Member for Cheltenham (Alex Chalk) and to contribute to this debate. I am especially pleased to see the Attorney General in his seat, because I am going to refer to one or two of his remarks. I was concerned by what I heard from him yesterday. I was concerned that he was less than optimistic. He had a somewhat gloomy outlook on what might happen if the vote does not pass, a week today. I thought he could have been more full-throated and full of voice in defence of the prospects for our country. Further, concern was expressed from where I was sitting in the Chamber as to the length of his replies during the course of the debate yesterday. We have become used to short questions and short answers, but the reason for the length of his replies was that he was being asked for his legal opinion on several questions and he was giving a full and frank response to each and every one.

I have one further concern, which other Members on both sides have also expressed. It is that the motion that we debated on 13 November was not opposed. It seems to me that that was a mistake. It should have been opposed, and arguably, an amendment could or should have been tabled. Had that happened, and had the
amendment been voted on, that might have solved the issue. In the event, however, there was no vote and there was no amendment—at least, there was none that was selected. However, the Attorney General is absolutely right not to disclose the legal advice. Where would it leave us if he did? Should he disclose Cabinet minutes? Should he disclose official secrets? Should he disclose any other legally privileged documents just because a Humble Address says that he should do so? My instinct would be to say no. Thankfully, we do not have to rely simply on my instincts.

The hon. Member for Rhondda (Chris Bryant) referenced “Erskine May.” He referred to the 10th edition from the late 19th century, but the relevant passage is still present in the 17th edition from 1964. As no one has quoted from it yet, and as it is absolutely pertinent, it is important that I do so now. It states:

“Returns may be moved for, either by order or address, relating to any public matter”, and it goes on to qualify what is meant by a “public matter”, stating that the “papers and correspondence sought from Government Departments should be of a public and official character and not private or confidential” and it quotes from an example of confidential papers that should not be disclosed. It further proceeds to say:

“The opinions of the Law Officers of the Crown given for the guidance of Ministers in any question of diplomacy or State policy being included in the class of confidential documents, have generally”—

I will come back to that word—“been withheld from Parliament.”

We then come to the 1858 Cagliari case referred to by the hon. Member for Rhondda. I wish he were in his place—he really would enjoy this—because he is wrong. He said that that involved an order of Parliament, but it did not. Information was voluntarily disclosed, and I can quote from the Hansard—if anyone cares to reference it later, the passage is from column 178, which is towards the bottom on the right-hand side—for 15 March 1858:

“We have given directions that all the papers connected with the management of the Cagliari case by our predecessors should be prepared and laid with all reasonable despatch before Parliament. They are more voluminous than the House perhaps imagines; but no unnecessary delay will take place in their production. It is also my duty to state that, after great deliberation, while perfectly aware of the inconvenience which under ordinary circumstances would accrue by submitting to Parliament the opinions of the law officers of the Crown”.

I am delighted to see the hon. Gentleman return to the Chamber; he may enjoy this exchange “we have arrived at the conclusion that in the peculiar and exceptional circumstances of the present case we ought to lay the opinions of the law officers of the Crown before the House.”—[Official Report, 15 March 1858; Vol. 149, c. 178.]

The information was voluntarily disclosed, and that is the key and distinguishing feature of the 1858 Cagliari case.

However—the Attorney General referred to this section in his response to my hon. Friend the Member for North East Somerset (Mr Rees-Mogg)—the 17th edition of “Erskine May” states:

“However ample the power of each House to enforce the production of powers may be, a sufficient cause must be shown for the exercise of that power; and if considerations of public policy can be urged against a motion for the papers, it is either withdrawn, or otherwise dealt with according to the judgment of the House.”

Therefore, despite having been concerned in three respects by what the Attorney General said yesterday, I can say that he was precisely right to have stated that a public policy test could and should be applied in this case. The passage from “Erskine May” is crystal clear. If the hon. Member for Rhondda were in his place, he would say, “That is the 17th edition, not the 24th. Why has it fallen out of use?” Well, Humble Addresses had fallen out of use by the time of the most recent edition of “Erskine May” but that has changed.

I have no doubt that there will be fuller section in the next edition, but that does not mean that it is irrelevant or that the law has been superseded; it means that the Humble Address had fallen out of practice up to and until these extraordinary times following the general election of 2017. With you in the Chair, Mr Speaker, I am sure that there will be a footnote or extended passage on the increase in the usage of the Humble Address. That is not to say that the advice and guidance of “Erskine May,” whether from the 19th century or from the 17th edition of 1964, is otiose, useless, worthless or has been superseded; it has not. It is still relevant, and it is relevant to the debate today.

In any event, the Attorney General gave ample legal advice yesterday. He was crystal clear and he was frank on his concerns about the backstop, and he was absolutely right to say it is now no longer a question of legal precedent. It is now no longer a legal question; it is a political question for each Member of the House to debate and to vote on a week today.

4 pm  

Chris Philp (Croydon South) (Con); At the heart of our debate today is a question of Parliament’s powers and prerogatives. The right hon. and learned Member for Holborn and St Pancras (Keir Starmer) laid out a simple and clear case at the beginning of the debate. He said that the House passed a motion on 13 November compelling the Government to do something and that the Government have not done it. He said that it proceeds simply from those two facts that Ministers are therefore in contempt. I say that that analysis is too simplistic and is lacking in nuance, and that it presupposes that Parliament’s power, generally, is unqualified and unconstrained.

Indeed, two Members have made that point explicitly in this debate. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) described Parliament’s power as untrammeled, and the hon. Member for Rhondda (Chris Bryant), who is at the Bar of the House, also suggested that Parliament’s power is entirely for Rhondda whether Parliament really has the right, for example, to trample on somebody’s personal liberty, he replied that Members of Parliament could be relied upon not to trample on people’s liberty in that way. Yet when one reads the
great tracts on personal liberty, and particularly John Stuart Mill’s essay “On Liberty,” one sees that Mill urges that we should seek to protect individuals from what he describes as the “tyranny of the majority.” We need more than simply a reliance on good will to protect, for example, individual liberty.

My hon. Friend the Member for Harwich and North Essex (Sir Bernard Jenkin), who is not in his place, also referred to the limitations on parliamentary authority by highlighting the distinction in the powers exercised by the Executive versus those exercised by Parliament as a legislature. There are all kinds of areas where the Government act with prerogative power and Parliament does not seek to usurp that power by essentially becoming the Government or becoming the Executive.

There are all kinds of areas where the limitations of parliamentary authority can, at the very least, properly be debated. The assertion that parliamentary authority is unlimited is not something one can take immediately at face value, attractive though it is to us as parliamentarians.

Of course, in no way do I wish to fetter Parliament’s ability to make its will felt. For example, our Select Committee colleagues were entirely within their rights to summon Mark Zuckerberg, and it is deplorable that the chief executive of such an influential company contemptuously refused to appear before a parliamentary Select Committee. I urge the Chairman of that Select Committee to use his good offices to compel Mark Zuckerberg to appear.

A question has repeatedly been posed by Opposition Members: “Why didn’t the Government oppose this motion when it was first put on 13 November?” I would suggest that the reason is that, in order to properly debate what parts of the legal advice might or might not be disclosed, the Government would have had to disclose the legal advice. We would have had to examine what the legal advice says before deciding what could or could not be disclosed. The very act of debating it would cause its disclosure, which is why when matters of disclosure arise in a court of law, they are decided by a judge in chambers, not in open court. The judge then decides what can be disclosed and what cannot be disclosed. No equivalent provision existed when the House debated this matter on 13 November; it would cause its disclosure, which is why when matters of disclosure arise in a court of law, they are decided by a judge in chambers, not in open court. The judge then decides what can be disclosed and what cannot be disclosed.

There is clearly a tension between Parliament’s desire to get disclosure and the desire of the Executive to protect the public interest. The question is: how do we balance those two competing considerations? A number of right hon. and hon. Members today have suggested that there are various appropriate forums in which that might occur, one of which, evidently, is the Privileges Committee or indeed some other Committee of the House. Such a Committee might, behind closed doors, look at the legal advice—

Mr Kevan Jones: The hon. Gentleman is talking complete nonsense with the idea that in order to vote against the motion on 13 November the Government would have had to disclose the evidence in that debate. Is it not a fact that the reason why they did not oppose that vote is that they would have lost it?

Chris Philp: The hon. Gentleman is engaging in speculation. The fact is that when matters of public disclosure are considered in other environments, for example, a court of law, an independent person, in this case a judge, in chambers, in private, decides what might publicly—

Mr Kevan Jones rose—

Chris Philp: I must conclude, because Mr Speaker wishes to move on with the business. That independent person decides what gets publicly disclosed. No such device or mechanism was available to this House on 13 November and it strikes me that the Privileges Committee is a suitable forum in which the balance between the desire for disclosure and the public interest can be struck, and it is appropriate that that balance is struck in private. I will therefore be supporting the amendment. I know that you wish to move on, Mr Speaker, so I will conclude my remarks there.

4.6 pm

Kevin Foster (Torbay) (Con): It is pleasure to be called in this debate, following so many learned, right hon. and hon. Members. I enjoyed some of the contributions from the Scottish National party Members on the idea of Parliament being supreme, given that they will remember the famous case of MacCormick v. Lord Advocate, where it was said that complete parliamentary supremacy is an English concept and not necessarily one of Scots law. So it is great to see their conversion now that they have come here.

I shall turn now to the matter of substance. I sat through a lot of that debate on 13 November and I noted the numerous points that were picked up about how the motion passed then had various queries raised about it.

Ian Blackford (Ross, Skye and Lochaber) (SNP) rose—

Kevin Foster: I am always happy to give way to the leader of the SNP here.

Ian Blackford: I wish to assist the hon. Gentleman by giving him the exact quote, which is that parliamentary sovereignty is a purely English concept that “has no counterpart in Scottish constitutional” history. Of course this House endorsed a motion, pushed by the SNP some months ago, that sovereignty does rest with the people of Scotland, through the Claim of Right. I trust that if this Government seek to try to take us out of the European Union and the only way we can protect our interest is by becoming an independent nation, they will endorse our right to call a referendum.

Kevin Foster: I very much thank the right hon. Gentleman for that intervention and for, yet again, reminding people in Scotland that the SNP’s focus is indyref2 and separation of this Union. It is always ironic to hear SNP Members calling for an end to borders in Europe, given that they want borders on this island. I am genuinely grateful for that intervention and I know that my Scottish colleagues will be even more grateful for it, as they will be able to put it in their next leaflet.

I turn back to what we are discussing today, which is the motion on contempt. Like previous speakers, I find it interesting that, even before the Attorney General...
had managed to sit down, some people had concluded that he was already in contempt. The Opposition do not strike me as short of the ability to find senior and experienced lawyers to analyse the withdrawal agreement, its implications and what it might mean for the future. To see that, we have only to look at their Front Bench, where we see a very eminent Queen’s counsel. So it is bizarre that they are, in effect, arguing that they are not able to make a reasoned judgment on this without the legal advice. We are not talking about the legal position of the Government, as it is right that this House should always be able to demand that the Government set out the legal basis of their actions in this Parliament. We are a country defined by the rule of law, which is why it is right that legal positions can be requested and demanded. The Opposition, however, are saying that we need the Government’s lawyer to tell us what the legal implications are and what the legal advice is on this area. For me, this is not an area in which they are going to be short.

My hon. Friends the Members for Cheltenham (Alex Chalk) and for Mid Dorset and North Poole (Michael Tomlinson) made excellent speeches and made clear the key points on what the motion is about. I particularly enjoyed the speech from my hon. Friend the Member for Witney (Robert Courts), who made the distinction between disclosure, which is a strong point of criminal law—indeed, it is important in civil cases, too, to make sure that evidence is not concealed—and privilege around legal advice.

When I used to give legal advice in the run-up to cases in places such as Solihull magistrates court, there was no forum in which to ask what my advice was. Clearly, I could not conceal evidence, and I could not not run a line of argument in court that I knew to be untrue. Many Members, including the Attorney General, will have heard the adage about what happens if a client tells a lawyer they are guilty. That means that the lawyer cannot run a defence. They can test the prosecution’s case, but they cannot run a defence in court or mislead the court. A lawyer cannot be required, though, to overturn their legal privilege and put their legal advice out there. To be blunt, it is quite a worrying trend that Government Members want to attack the right to legal privilege.

Lady Hermon (North Down) (Ind): Will the hon. Gentleman deal with the assertion, accusation, suggestion or allegation made by the Democratic Unionist party that if the Government are not prepared to publish the full legal advice given by the Attorney General, that means that somehow they have something to hide? That has to be addressed before we vote.

Kevin Foster: To be blunt, anyone who listened to the Attorney General’s statement yesterday would have been hard pressed to think that he had something to hide. He was very open about some of the challenges with the withdrawal agreement, particularly in respect of issues related to the Northern Ireland backstop and what it means, which will be of immense concern to the hon. Lady. There was not one word on which he was holding back on what he thought about the legal position on the backstop. I do not believe for one minute that he, as a very senior barrister, would have come to the Chamber and given a legal position that in any way conflicted with the legal advice that he had given to the Cabinet and the Government. We need to be very clear about that, because I do not believe there is anything to hide. The statement was not on why legally it might be a good idea to sign this treaty; it was on the legal position.

No one in the House is arguing that Parliament does not have the legal power to sign and ratify the treaty that the Government have negotiated, if it wishes to do so. The debate is fundamentally about whether or not we think it is a good idea to do so. There are obviously sharply differing views about whether it is a good idea, not only on either side of the Chamber but, to be blunt, among Members on the Government Benches, but nobody is arguing that there is not the legal power to do that, based on our constitution.

To turn to the intervention from the hon. Member for North Down (Lady Hermon), I do not think that anything was hidden. The Attorney General was clear about the legal position and the backstop and he was clear in response to colleagues’ queries. I do not believe for one minute that any word of what he said would have conflicted with the legal advice that he had given privately. That is the difference: position is different from advice. Evidence is different from a lawyer commenting on the evidence to their client and giving them advice about what it might mean. If we reach the point at which we accept the idea that the Attorney’s advice will end up out in public, we will see a trend towards things not being written down but expressed verbally instead, and of there not being proper records that can be accessed at a later date when the advice might become relevant. We would be moving away from the idea that some of the key principles of law, including legal privilege, operate in the same way in Government as they operate outside.

Let me turn to the motion. I find it interesting that there has been a push to debate this today. I accept that—it is all part of the procedures of the House, all perfectly properly followed—but it would make much more sense for the Privileges Committee to carry out a proper investigation, rather than the House deciding whether someone is guilty of contempt in effect via a jury made up of their political opponents, and following a party political knockabout in the Chamber.

That is why, for me, the amendment has strength. This is not about saying, “Let us vote no, and forget about it”. This is about asking for the proper process of the House to be gone through. For those following our proceedings, the Privileges Committee is chaired by an Opposition Member. It is not a Committee that will purely follow the will of the Government, and that, for me, is where the strength of the amendment lies. This is about having a proper debate about this clash of principles, this clash of legal privilege, the position of the law officers and the position of this House to pass returns and to make a request for documents through the means of a Humble Address. I accept that nobody in this House would think that it was a sensible idea to have a Humble Address for MI5 documentation or for sensitive diplomatic papers, and I would not seek to advance that. However, in this instance, those things are coming together at a time when, actually, if anyone wants a legal opinion on the withdrawal agreement, they will not be short of suggestions coming into their email inbox from various eminent lawyers across the country.

Nigel Huddleston (Mid Worcestershire) (Con): Will my hon. Friend give way?
Kevin Foster: I am about to conclude because I am conscious that there are one or two others who are waiting to speak. [Interruption.] I hear a request for more from SNP Members, but sadly, I will have to disappoint them.

For me, the amendment is the right path to go down as it allows proper consideration by a Committee and a decision on whether the matter has been properly and fully dealt with, not a short-term debate 24 hours after a statement on the Floor of the House. It was particularly interesting to hear the Father of the House, my right hon. and learned Friend, the Member for Rushcliffe (Mr Clarke), giving us some ideas about how matters such as this could be handled in future. With that, I will conclude my remarks, and say that the amendment is the right way to go. There have been some quite interesting arguments this afternoon, but I hope that Members will reflect on what precedent they might set for a future Government of their own colour.

4.16 pm

Simon Hoare (North Dorset) (Con): Let us be clear that contempt is not disobeying an order. In fact, a tweet put out on the UK House of Commons Twitter account defines contempt as:

“Any act or omission which obstructs the House of Commons in carrying out its duties”.

That can be seen as a contempt of Parliament. That is an incredibly high bar and I do not believe that the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) has made his case before the House this afternoon.

Mr Speaker, you and I love this place, but there is nothing more humorous than the synthetic confection of outrage, umbrage and histrionics—that sounds like a rather dodgy firm of solicitors—that comes from this place when it thinks that its honour has been offended. It draws up its skirts like a slightly shocked maiden aunt at a risqué joke. The Opposition have, I am afraid, turned this into a parlour game—a parlour game called parliamentary politicking or parliamentary process. Let me pray in aid one or two thoughts that substantiate that viewpoint. So great is the umbrage of the Opposition that they ran out of speakers about 50 minutes ago. It strikes me that they are not exactly as hot under the collar as the right hon. and learned Member for Holborn and St Pancras tried to portray them as being.

Yesterday, when the Attorney General invited any question from any Member on any topic, about 75% of the stuff was to do with process and nothing to do with questions. If the right hon. and learned Gentleman was serious in his, I have to say, entirely synthetic sincerity about being more in sorrow than in anger, why was he trailing his letter around last Thursday and having it signed and sealed by close of play last Thursday? I thought that a former Director of Public Prosecutions would believe in honesty in the courts and in listening to somebody give their case before deciding what the next step would be, but he went around this place like a political costermonger selling his wares.

Keir Starmer: Will the hon. Gentleman give way.

Simon Hoare: I will not. [HON. MEMBERS: “Oh!”] Oh, go on then.

Keir Starmer: The hon. Gentleman is talking nonsense; that letter was not signed on Thursday.

Simon Hoare: Well, the right hon. and learned Gentleman was tarting his letter around this place on Thursday, trying to get signatures in order to instigate contempt proceedings. He may not have put it in the envelope and got the stamp out, but he had the letter drafted. The Attorney-General had only been on his feet for about 20 minutes when the letter was handed in to say, “Let us have a contempt motion.” I have heard of a judge trying to come to the final judgment, but not when the prosecution or the defence are still trying to make their case. It begs the question what sort of a lawyer the right hon. and learned Member for Holborn and St Pancras made.

I have also heard the right hon. and learned Gentleman and the hon. and learned Member for Edinburgh South West (Joanna Cherry) make an incredibly powerful case in support of privilege. They did so during the course of the Investigatory Powers Bill, when the right hon. and learned Gentleman and I both sat on the Bill Committee, and he was absolutely right to talk about the sanctity of privilege. In that case, it was with respect to the lawyer-client relationship and the relationship between a journalist and their source. But it now seems that he wants to cherry-pick which bits of privilege are important.

Gareth Snell: Will the hon. Gentleman give way?

Simon Hoare: I will not because I am very conscious of time.

This is a parlour game. We are not going to play it. We are going to support the Government’s amendment and we are then going to move on to do what this country is expecting us to do—that is, to debate the exit of this country from the European Union with the sobriety and seriousness that the issue demands.

4.22 pm

Keir Starmer: I have listened carefully to the debate, in which some very good points and some very bad points have been made. The Labour party is well aware of the two principles laid out by the Father of the House. The first is that only in exceptional circumstances will privilege be overridden, and the second is that orders of this House should be complied with: 13 November was about the first principle and the Government did not oppose the order, and today is about the second.

In drafting this motion, we have been careful to reflect to Ministers rather than individuals to reflect some of the points that have been made in this debate. We have also been careful to ask for the remedy, which is that the order is complied with before we think of anything else, in fairness to the Government. The Father of the House said that there surely must be some way that this can be done. The Labour party is well aware of the second principle. The law is quite clear. The Attorney-General has made his case before the House this afternoon.

...
Question accordingly negatived.

Main Question put.

The House divided: Ayes 311, Noes 293.

Division No. 273 [4.41 pm]

**AYES**

Abbott, rh Ms Diane  
Abrahams, Debbie  
Ali, Rushanara  
Allin-Khan, Dr Rosena  
Amess, Sir David  
Antoniozzi, Tonia  
Ashworth, Jonathan  
Ashworth, Andy  
Austin, Ian  
Bailey, Mr Adrian  
Bardell, Hannah  
Barron, Sir Kevin  
Beckett, Margaret  
Benn, Sir Acland  
Berger, Luciana  
Betts, Mr Clive  
Black, Dr Dan  
Blackford, Mr Ian  
Blackman, Kirsty  
Blackman-Woods, Dr Roberta  
Blomfield, Paul  
Bone, Mr Peter  
Brabin, Tracy  
Brady, Mr Tom  
Brennan, Kevin  
Brock, Deidre  
Brown, Alan  
Brown, Lyn  
Brown, Mr Nicholas  
Bryant, Chris  
Buck, Ms Karen  
Burdens, Richard  
Burgon, Richard  
Butler, Dawn  
Byrne, Mr Liam  
Cable, Sir Vince  
Cadbury, Ruth  
Cameron, Mrs Lisa  
Campbell, Mr Alastair  
Campbell, Mr Gregory  
Campbell, Mr Ronnie  
Carden, Dan  
Carr, Andrew  
Carruthers, Margaret  
Carter, Dr Sarah  
Casey, Mr Jack  
Champion, Matthew  
Chapman, Anthony  
Chapman, Sarah  
Chapman, Dan  
Chapman, Jeremy  
Chestney, Dr Andrew  
Clegg, Mr Jack  
Coad, Mr John  
Coffey, Abigail  
Collins, Mr Lucian  
Cooper, Annette  
Cooper, Ben  
Cooper, Mark  
Corbyn, Jeremy  
Cowan, Martin  
Coyne, John  
Craig, Mr James  
Creasy, Stephen  
Criddle, Mr James  
Cryer, Emma  
Davies, Andrew  
Davies, David  
Day, Mrs Mary  
Dee, Dr Alistair  
Dehli, Mr Tanmanjeet Singh  
Dodd, Dr Annette  
Dodd, Dr Simon  
Dodd, Dr Stephen  
Dowd, Peter  
Drew, Dr David  
Dromey, Jack  
Duffield, Rosie  
Eagle, Ms Angela  
Eagle, Maria  
Edwards, Jonathan  
Efford, Clive  
Elliot, Julie  
Ellman, Dame Louise  
Esterson, Bill  
Evans, Chris  
Farrelly, Paul  
Farron, Tim  
Fellows, Marion  
Field, Mr Frank  
Fitzpatrick, Jim  
Fletcher, Colleen  
Flint, rh Caroline  
Fovargue, Yvonne  
Foxcroft, Vicky  
Frith, James  
Furniss, Gill  
Gaffney, Hugh  
Gapes, Mike  
Gardiner, Barry  
George, Ruth  
Gethins, Stephen  
Gibson, Patricia  
Gill, Prent Kaur  
Girvan, Paul  
Gill, Tom  
Gilmour, Dr Iain  
Gill, John  
Gill, Dr Dan  
Gilliam, Dr Nan  
Gillie, Jason  
Gilligan, Peter  
Gillman, Huw  
Gillmor, Brian  
Glau, Mr Peter  
Goldsmith, Lord  
Goodman, Helen  
Grady, Patrick  
Grant, Peter  
Green, Kate  
Greenwood, Lilian  
Greenwood, Margaret  
Griffith, Nia  
Grogan, John  
Gwynne, Andrew  
Hague, Louise  
Hancock, Dr Matthew  
Hardy, Emily  
Harman, Lady Harriet  
Harris, Carolyn  
Hayes, Helen  
Hayman, Sue  
Healey, rh Christian  
Hendry, Mr John  
Hendry, Sir Mark  
Hendry, Drew  
Hepburn, Mr Stephen  
Hill, Mike  
Hillier, Meg  
Hobhouse, Wera  
Hodge, Dr Dame Margaret  
Hogsdon, Mrs Sharon  
Hoey, Kate  
Hollobone, Mr Philip  
Hopkins, Kelvin  
Hosie, Stewart  
Howarth, rh Sir 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  
Jones, Susan  
Jenkins, Aled  
Keen, Sir Roger  
Keeley, Barbara  
Kendall, Liz  
Khan, Afzal  
Killen, Ged  
Kinnock, Stephen  
Kyle, Peter  
Laid, Lesley  
Lake, Ben  
Lamb, rh Norman  
Lammy, rh Mr David  
Lavery, Ian  
Law, Chris  
Lee, Karen  
Leslie, Mr Chris  
Levell-Buck, Mrs Emma  
Lewis, Clive  
Lewis, Mr Ivan  
Linden, David  
Little Pengelly, Emma  
Lloyd, Stephen  
Lloyd, Tony  
Long Bailey, Rebecca  
Lucas, Caroline  
Lucas, Ian C.  
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, Mr John  
McFadden, Mr Pat  
McGinn, Conor  
McGovern, Alison  
McInnes, Liz  
McKinnell, Catherine  
McMahon, Jim  
McMorris, Anna  
Means, Ian  
Miliband, Rhodri  
Monaghan, Carol  
Moran, Layla  
Morden, Jessica  
Morgan, Stephen  
Morris, Grahame  
Murray, Ian  
Nandy, Lisa  
Newlands, Gavin  
Norris, Alex  
O’Hara, Brendan  
O’Mara, Jared  
Onasanya, Fiona  
O’Neill, Melanie  
Onwurah, Chi  
Osamor, Kate
NOES

Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Brereton, Jack
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Cardiffe, James
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clayton, Sir Michael
Clarke, Mr Patrick
Clarke, rh Mr Kenneth
Clare, Mr Simon
Cleaver, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérése
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, Sir David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, Mr David
Dinencage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Dyke-Price, Jackie
Drax, Richard
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
Evwood, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francis, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Grieve, rh Mr Dominic
Griffiths, Andrew
Hair, Kirstene
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 Sir John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hermon, Lady
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Hollinsrake, Kevin
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, rh Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr Marcus
Kawczyński, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
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
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mils, Nigel
Milton, rh Anne
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Mundell, rh David
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, rh Claire
Philp, Chris
Pincher, rh Christopher
Poole, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Reyston
Soames, rh Sir Nicholas
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Rory
Streeter, Mr Gary
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, 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
Whitaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:

Wendy Morton and
Iain Stewart

Keir Starmer: On a point of order, Mr Speaker. The House has now spoken, and this is of huge constitutional and political significance. It is, I think, unprecedented for the House to find Ministers in contempt. The motion makes it clear that the Government must now publish the Attorney General’s final legal advice in full. I hope that they will now confirm and comply with that order, but if they fail to respond, what steps can I and others take to ensure that they do comply with the motion and before the votes that we shall have next Tuesday?

The Leader of the House of Commons (Andrea Leadsom) rose—

Mr Speaker: Before responding to the right hon. and learned Gentleman’s point of order, I will of course hear a point of order from the Leader of the House.

Andrea Leadsom: Further to that point of order, Mr Speaker. We have tested the opinion of the House twice on this very serious subject. We have listened carefully, and in the light of the expressed will of the House, we will publish the final and full advice provided by the Attorney General to the Cabinet; but, recognising the serious constitutional issues that this raises, I have referred the matter to the Committee of Privileges so that it can consider the implications of the Humble Address.

Keir Starmer rose—

Mr Speaker: I am grateful to the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) for his point of order, and to the Leader of the House for her response. [Interruption.] Some Members are saying, “When?” I had intended to say that I expected Ministers to comply with the verdict of the House. If the Leader of the House wants to offer a further and better particular on that point now, or immediately after the point of order from the right hon. and learned Gentleman, she can do so, but if not, I would certainly expect to have fuller information on that matter provided to the House very soon.

Keir Starmer: Further to that point of order, Mr Speaker. Will you please advise me what steps we can take to ensure that the process that has just been outlined is completed by next Tuesday, when we vote?

Andrea Leadsom rose—

Mr Speaker: It would seem to me to be unimaginable that it would not be, but of course I will hear from the Leader of the House.

Andrea Leadsom: Further to that point of order, Mr Speaker. The Government will respond tomorrow.

Mr Speaker: I am extremely grateful to the Leader of the House for the clarity of that confirmation. I think that it has satisfied the curiosity of Members, and that we can leave it there.
Mr Speaker: I inform the House that I have selected amendments (e), (a), (b) and (c), in the name of the hon. Member for Eltham (Clive Efford), and amendment (d), in the name of the right hon. and learned Member for Beaconsfield (Mr Grieve).

5.2 pm

The Leader of the House of Commons (Andrea Leadsom): I beg to move,

That the following provisions shall have effect.

Sitting arrangements

(1) In this Order—

‘European Union withdrawal motion’ means a motion in the name of a Minister of the Crown under section 13(1)(b) of the European Union (Withdrawal) Act 2018; and

‘allotted day’ means a day on which the first Government business is the European Union withdrawal motion.

(2) The allotted days shall be Tuesday 4 December, Wednesday 5 December, Thursday 6 December, Monday 10 December and Tuesday 11 December.

(3) On this day, proceedings on the European Union withdrawal motion may be proceeded with for up to eight hours from the commencement of proceedings on the Business of the House (Section 13(1)(b) of the European Union (Withdrawal) Act 2018) motion.

(4) On the second, third and fourth allotted days, proceedings on the European Union withdrawal motion may be proceeded with for up to eight hours from the commencement of proceedings on the European Union withdrawal motion.

Decisions on any amendments

(5) No amendment to the European Union withdrawal motion may be selected before the final allotted day.

(6) In respect of the European Union withdrawal motion, the Speaker may select up to six amendments of which notice has been given.

(7) If, on the final allotted day, an amendment to the European Union withdrawal motion has been disposed of at or after the moment of interruption, any further amendments selected by the Speaker in accordance with the provisions of paragraph 6 of this Order may be moved, and the questions thereon shall be put forthwith.

(8) Questions under this Order may be put after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.

General

(9) No motion to vary or supplement the provisions of this Order shall be made except by a Minister of the Crown; and the question on any such motion shall be put forthwith.

(10) On an allotted day—

(a) no Emergency Debate shall be taken in accordance with Standing Order No. 24; (b) no dilatory motion shall be made in relation to the proceedings on the European Union withdrawal motion except by a Minister of the Crown; and the question on any such motion shall be put forthwith;

(b) no dilatory motion shall be made in relation to the proceedings on the European Union withdrawal motion except by a Minister of the Crown; and the question on any such motion shall be put forthwith;

(c) no motion shall be proposed under Standing Order No. 36 (Closure of debate) except by a Minister of the Crown; and

(d) no motion shall be proposed that the question be not now put.

I intend to speak only briefly so as not to detain the House before the historic debate that is ahead of us.

[Interruption.]
right across the House on how best to govern the arrangements for the debate on the withdrawal agreement and the future framework, and I am grateful to colleagues on all sides for the collaborative discussions that have taken place in advance of tabling the motion on the Order Paper today.

I am also very grateful for the contributions of the Select Committees, whose views and recommendations have been insightful. I pay particular tribute to the Exiting the European Union Committee chaired by the right hon. Member for Leeds Central (Hilary Benn) and the Procedure Committee chaired by my hon. Friend the Member for Broxbourne (Mr Walker) on the procedure in the House that ought to apply to this unique debate.

The Government have carefully considered the Procedure Committee’s recommendations in bringing forward today’s business of the House motion. I hope that the House agrees that the motion on the Order Paper today is reflective of the vast majority of recommendations in that report. The parameters for the debate will enable what the Committee itself called a momentous decision for Parliament and the country. It is vital that we make sure the substantive issues are properly debated so that Members of the House can take an informed decision in their national interest.

On the amendments of the hon. Member for Eltham (Clive Efford), I gently say that the motion in the Prime Minister’s name as tabled provides for a full five days of debate, as recommended by the Exiting the European Union Committee and the Procedure Committee, following their consultations and evidence taken across the House on what provision should best govern proceedings.

The timeframe being provided strikes the optimal balance between ensuring full and proper scrutiny and debate on such an important decision and vote and allowing the time for the legislation that will give effect to that decision to pass through Parliament by 29 March 2019. The Government have been determined to make sure the House is able to carry out full scrutiny and play its essential role as we move towards leaving the EU, and the motion tabled reflects that.

Should the House agree to the business of the House motion today, the five days of debate ahead of us will build on the many important opportunities the House has had to consider EU exit so far. We have had 37 days of debate as Parliament agreed the European Union (Withdrawal) Act 2018. There have been regular statements and opportunities to question Ministers, including more than 10 hours at the Dispatch Box by my right hon. Friend the Prime Minister in the last 12 sitting days alone. Committees of the House are carrying out invaluable scrutiny, and the Government have scheduled a number of valuable general debates, including the debate on legislating for the withdrawal agreement that took place on 10 September.

The amendment tabled by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and others would have the effect of making any future motions tabled under section 13 of the EU Withdrawal Act amendable under House procedures. I recognise the desire of hon. Members to ensure that their views are fully expressed if the vote on the deal does not pass. However, I encourage Members at this stage to focus on the matter at hand. I gently suggest that now is not the time to prevent whether or not further motions under section 13 may be required. As such, I encourage Members not to press that amendment to a vote.

I hope that all hon. Members will agree the motion before us. If we can do so quickly, we can move on to the vital debate that precedes the meaningful vote itself, which will take place next week on 11 December. I commend the motion to the House.

5.11 pm

Valerie Vaz (Walsall South) (Lab): I thank the Leader of the House and acknowledge that she has been in the Chamber since lunchtime. I hope that she gets the chance to have a break.

I do not intend to detain the House long on this matter. The Opposition support the business of the House motion. We are glad that the Government have seen sense, and that the motion accepts that the House will deal with amendments in the usual way, before the main motion. We welcome the fact that the Government have accepted the recommendations of the Procedure Committee, and I would like to put on record our thanks for its report.

The Labour party will support the amendment in the name of the right hon. and learned Member for Beaconsfield (Mr Grieve) and others. There is an important principle here. The Government are accountable to Parliament. At every stage in this process, the Government have sought to prevent Parliament from having a meaningful say on how this country approaches the withdrawal from the EU. The Prime Minister has sought to sideline Parliament. The amendment would simply ensure that Parliament would be given another meaningful say if the Government lose on Tuesday—no true democrat and parliamentarian could vote other than in favour. We support the motion.

5.12 pm

Mr Dominic Grieve (Beaconsfield) (Con): I, too, wish to thank the Government for listening to the Procedure Committee and the engagement they had with the Committee over how the debate should be conducted. On that, I have nothing further to add.

Members will recall that in June issues arose about how the House should proceed in the event of the Government motion being rejected. At that time, my right hon. Friend the Prime Minister represented to me that if the motions to be considered and thereafter be made amendable, it would in some way interfere with her ability to negotiate, which was why—having reflected on her view—I took the decision to vote against my own amendment when it came before the House. I listened to what she had to say to me. But the reality remains that we have an unsatisfactory procedure to resolve differences of opinion in the House if—and it is obviously an “if”—we come to a point at which the Government do not succeed in their motion.

The opportunity exists this afternoon to cure that anomaly. As was so rightly said by the hon. Member for Walsall South (Valerie Vaz), it is contrary to all sensible practice and—I have to say—slightly disrespectful of the role of this House, that we should end up with a situation in which we have unamendable motions for consideration at a time when Parliament should be fully focused on trying to find the means to resolve outstanding issues. It is for that reason that I tabled this amendment, which would in simple terms cure that problem and provide reassurance, even before we start on these really important debates, that whatever the outcome next week, we would have a means of continuing the debate thereafter, if we needed to, in a way that must be in conformity with
what any right-thinking Member of this House would think to be the proper procedure and process to adopt. For that reason, I am grateful to my many right hon. and hon. Friends who have indicated their support for the amendment, and to the many right hon. and hon. Members on the Opposition Benches who have done likewise.

Helen Goodman (Bishop Auckland) (Lab): When the right hon. and learned Gentleman came to the Procedure Committee, he proposed free-standing resolutions alongside the Government’s motion. Would he like to clarify now that his amendment is not proposing that process, and that it is proposing something that would be an expression of will rather than an expression of the opinion of the House?

Mr Grieve: I am very happy to do so. The hon. Lady might remember that when I came before the Procedure Committee on the main business in this motion, I tried to be as conciliatory as possible in finding a way through. I am delighted that the Government have accepted the first principle of having amendable motions. The purpose of this amendment is to ensure that if we do not resolve this issue next week, there will be further amendable motions to be considered under the programme laid out in section 13 of the European Union (Withdrawal) Act.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Is my right hon. and learned Friend not attempting, in his amendment to the business of the House motion, effectively to amend primary legislation?

Mr Grieve: Most certainly not. We have just had in the past few hours an example of the assertion of parliamentary sovereignty, which I understand to be dear to many Members on this side of the House and elsewhere. I say to my hon. Friend that no statute may fetter in any way the procedure and processes that this House chooses to adopt. There is therefore no incompatibility whatsoever between this motion and any statute. Mr Speaker, I beg to move the amendment.

Mr Speaker: We will come to the proposition of that matter being put to the test of the House in due course, but there is a choreography to these things, so it will not happen just yet. If Mr Efford wishes to orate, he has his opportunity to do so now.

5.17 pm

Clive Efford (Eltham) (Lab): The amendments that my hon. Friends and I have tabled speak for themselves. They would introduce more flexibility into the timing of our debates so that Back-Bench MPs could get their thoughts and views on record. Too often, Members who are called to speak at the tail-end of debates in this House have their speaking time cut to just three or four minutes. That is barely as long as a press release, and they are often discouraged from taking interventions, which really turns this Chamber into a recording studio for a series of statements. It would be unfortunate if that were to happen in a debate of this importance. I ask the Government to bear that in mind as the debate goes on, and not to deny Back Benchers the chance to put their views on record. I will not divide the House on my amendments, because I think that the point has been made.

Mr Speaker: I am grateful to the hon. Gentleman, who has made his intentions clear.

5.18 pm

Sir Oliver Letwin (West Dorset) (Con): My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and I have not always agreed as we have gone through the lengthy discussions of the Brexit process, but we did both appear before the Procedure Committee to discuss the proceedings that we are now about to undertake. When he and I, and others, came to discuss the effects of section 13, in which many of us were involved in trying to find compromises that would make it all workable, it became clear that there was a significant issue involved. I want to explain to those of my hon. Friends, and those on other Benches, who might think that this is an abstruse amendment, just why it may become utterly critical to the future of our country.

Section 13(8) of the European Union (Withdrawal) Act 2018 specifies that, by 21 January, whoever is then the Prime Minister and whoever are then the Government—I hope that it will be the current Prime Minister and the current Government—may be compelled to come to the House of Commons to explain that they believe that it is impossible to reach an agreement with the EU. Section 13(8)(b)(i) states that a motion “in neutral terms” should then be put to the House. That is a strange and arcane parliamentary term, but it has a meaning, which is specified in Standing Order No. 24B.

Ludicrously, given our unwritten constitution, the Standing Orders of the House of Commons were correctly described by Bagehot as the nearest thing that we have to a constitution, and Standing Order No. 24B states:

‘Where, in the opinion of the Speaker or the Chair, a motion, That this House, or, as the case may be, the committee has considered the matter, is expressed in neutral terms, no amendments to it may be tabled.’

Amendment (d), tabled by my right hon. and learned Friend the Member for Beaconsfield, would cancel Standing Order No. 24B as it would then apply, so that the House would have a chance to amend the motion from a Government who had concluded that they could not reach a deal with the EU.

Of course, that may not be in any way relevant to our proceedings. I shall be voting for the Government’s deal on Tuesday, and many of us hope that the Government will reach a deal. Many of us hope that even if we do not reach a deal on Tuesday, we will reach it subsequently under the Government’s guidance in some way or another. Under those circumstances, I believe that a sort of Norwegian arrangement is probably the next best step.

However, whatever we may or may not do, we could arrive on 21 January with a statement that no deal can be reached, and it could be that at that time there is somewhere across this House a majority in favour of some solution that would avoid us leaving without a deal. For those of us who believe that leaving without a deal would be a catastrophe for our country, it seems right that we should at least have the chance to crystallise and express that majority, should it arise. The only way of doing that is to provide for the motion to be amendable, and that is the reason for amendment (d).

5.22 pm

Joanna Cherry (Edinburgh South West) (SNP): The Leader of the House, who is unfailingly courteous, for which I pay tribute to her, made some preliminary comments, and I felt that I must reply to them on the behalf of the Scottish National party. This deal is not in
the interests of the Scots or, indeed, of anyone in the United Kingdom. The past two years have shown that the promises made by the leave campaign are undeliverable. All significant analysis shows that this deal will mean a massive hit on the British economy and on the jobs and living standards of all our constituents across these islands, and the loss of freedom of movement will have a particularly heavy impact on the Scottish economy. I say to the Leader of the House that this is not about deal or no deal, because there is a third option: no Brexit.

As has been widely reported today, the advocate general of the European Court of Justice has given his opinion in the case of Wightman and others, including myself, v the Secretary of State for Exiting the European Union. The preliminary opinion states that article 50 can indeed be unilaterally revoked, and I suggest that that may have some impact on today’s proceedings. I will explain why in a moment—[Interruption.] Hopefully, I will get the courtesy of a hearing, as others did. For the moment, I should make it clear that the Scottish National party will support the amendment in the name of the right hon. and learned Member for Beaconsfield (Mr Grieve), and we applaud his efforts and those of others to ensure that democracy is not steamrollered by this Government and that Parliament has a meaningful say in what might happen in the future.

Otherwise, we are generally happy with the time allocated for the debate, and we are pleased that the UK Government have paid attention to the letter from the leaders of the Opposition parties calling for amendments to be decided on before a final substantive vote—that being the usual practice in this House.

However, the UK Government should consider pushing back the meaningful vote until they have the final judgment of the Grand Chamber of the Court of Justice of the European Union in the case I mentioned. It is no surprise to the UK Government that this decision is pending, because they have been fighting it tooth and nail for the last eight months, but I am very proud to say that I and other Scottish SNP parliamentarians, two Scottish Greens and two Scottish Labour Members of the European Parliament have triumphed in getting this case to the Court of Justice of the European Union for the preliminary ruling that the Grand Chamber is likely to follow.

The reason we did that was to make sure that parliamentarians in this House would know when they came to the meaningful vote that it is not, as the Government would have us believe, deal or no deal and that there is the third option of staying in the European Union on the current terms and conditions—on the rather good deal that we currently enjoy. That is what the advocate general has said today, and the Court follows him in 80% of cases. The Court has said that it will rule quickly, and the word on the street is that that will be before Christmas. Will the Government consider postponing the meaningful vote until we know the decision of the Court of Justice of the European Union? As I say, it comes as no surprise to the Government that this decision is pending.

At every turn since the Brexit vote, the UK Government have sought to marginalise Scotland, the Scottish Government and the Scottish Parliament. The Scottish Government proposed a series of compromises that have been ignored by this Government, and I am proud to say it will be a rich irony that it is Scottish parliamentarians and the Scottish courts who are throwing this Parliament a last-minute lifeline to reverse the madness of this decision. It will ultimately be up to the public in a second vote as to whether they reverse that madness, but I very much hope that, when Scotland becomes an independent nation state again and when Scotland looks to take her rightful place at Europe’s top table alongside Ireland and the others, it will be remembered that it was the Scots who threw this Parliament and the whole United Kingdom a lifeline. I urge the Government to postpone the meaningful vote until MPs have the vital final decision from the Court of Justice of the European Union.

5.26 pm

Hilary Benn (Leeds Central) (Lab): I will be very brief. First, I acknowledge that, in this business motion, the Government have listened to representations made by both the Exiting the European Union Committee and the Procedure Committee, although I gently say to the Leader of the House and other Ministers present that this whole process, unfortunately, has shown the Government’s marked reluctance to listen to the House, to trust the House and to share information with the House. I suspect that what the Government have sown, they will reap in the vote next Tuesday.

Secondly, I rise to support the amendment tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve). As it bears more than a passing resemblance to amendment (c) that I have tabled to the motion on the withdrawal agreement and the political declaration, he is probably not surprised to hear me say that. The hon. and learned Member for Edinburgh South West (Joanna Cherry) talked of a lifeline, and it is essential that the House of Commons has the opportunity, if the deal is voted down next Tuesday, to give itself a voice and to express a view about what happens next. Amendment (d) to the Business of the House motion would, as we have just heard, remove the obstacle to that, and I hope the whole House will vote for it.

Amendment proposed: (d), at end add

“(1) The provisions of Standing Order No. 24B (Amendments to motions to consider specified matters) shall not apply in respect of any motion tabled by a Minister of the Crown pursuant to any provision of section 13 of the European Union (Withdrawal) Act 2018.”—(Mr Grieve.)

Question put. That the amendment be made.

The House divided: Ayes 321, Noes 299.

Division No. 274] [5.28 pm

AYES

Abbott, rh Ms Diane  Blackford, rh Ian
Abrahams, Debbie  Blackman, Kirsty
Ali, Rushanara  Blackman-Woods, Dr Roberta
Allen, Heidi  Blomfield, Paul
Allin-Khan, Dr Rosena  Boles, Nick
Amber, Mike  Brabin, Tracy
Antoniassi, Tonia  Bradshaw, rh Mr Ben
Ashton, Jonathan  Brake, rh Tom
Austin, Ian  Brennan, Kevin
Bailey, Mr Adrian  Brock, Deidre
Bardell, Hannah  Brown, Alan
Barron, rh Sir Kevin  Brown, Lyn
Bebb, Guto  Brown, rh Mr Nicholas
Beckett, rh Margaret  Bryant, Chris
Benn, rh Hilary  Buck, Ms Karen
Benyon, rh Richard  Burden, Richard
Berger, Luciana  Burgon, Richard
Betts, Mr Clive  Butler, Dawn
Black, Mhairi  Byrne, rh Liam
Blackman-Woods, Dr Roberta  Brabin, Tracy
Bloomfield, Paul  Boles, Nick
Boots, Nick  Bradshaw, rh Mr Ben
Brack, Deidre  Brown, Alan
Brown, Lyn  Brown, Ms Karen
Buck, Ms Karen  Burden, Richard
Burden, Richard  Burgon, Richard
Byrne, rh Liam  Blackford, rh Ian
| Cable, rh Sir Vince | Cadbury, Ruth | Cameron, Dr Lisa | Campbell, rh Mr Alan | Carden, Dan | Carmichael, rh Mr Alistair | Champion, Sarah | Chapman, Douglas | Chapman, Jenny | Charalambous, Bambo | Cherry, Joanna | Clarke, rh Mr Kenneth | Clwyd, rh Ann | Coaker, Vernon | Coffey, Ann | Cooper, Julie | Cooper, Rosie | Cooper, rh Yvette | Corbyn, rh Jeremy | Cowan, Ronnie | Coyle, Neil | Crausby, Sir David | Crawley, Angela | Creagh, Mary | Creasy, Stella | Crudis, Jon | Croy, John | Cummins, Judith | Cunningham, Alex | Cunningham, rh Mr Jim | Daby, Janet | Dakin, Nic | Davey, rh Sir Edward | David, Wayne | Davies, Geraint | Day, Martyn | De Cordova, Marsha | De Piero, Gloria | Debonoaire, Thangam | Dent Coad, Emma | Dhesi, Mr Tanmanjeet Singh | Djanogly, Mr Jonathan | Docherty-Hughes, Martin | Dodds, Anneliese | Dowd, Peter | Drew, Dr David | Dromey, Jack | Duffield, Rosie | Eagle, Maria | Edwards, Jonathan | Efford, Clive | Elliot, Julie | Ellman, Dame Louise | Elmore, Chris | Esterson, Bill | Evans, Chris | Fallon, rh Sir Michael | Farrell, Paul | Farron, Tim | Fellows, Marion | Fitzpatrick, Jim | Fletcher, Colleen | Flint, rh Caroline | Fovargue, Yvonne | Foxcroft, Vicky | Freeman, George | 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 | Graham, Richard | Grant, Peter | Green, rh Damian | Green, Kate | Greening, rh Justine | Greenwood, Lilian | Greenwood, Margaret | Grieve, rh Mr Dominic | Griffith, Nia | Grogan, John | Gwynne, Andrew | Haigh, Louise | Hamilton, Fabian | Hanson, rh David | Hardy, Emma | Harman, rh Ms Harriet | Harris, Carolyn | Haydon, Jonathan | Hayman, Sue | Heald, rh Sir Oliver | Healey, rh John | Hendrick, rh Mark | Hendry, Drew | Hepburn, rh Stephen | Hermon, Lady | Hill, Hilary | Hillier, Meg | Hobhouse, Wera | Hodge, rh Dame Margaret | Hodgson, Mrs Sharon | Hollem, Kate | Hopkins, Kelvin | Hosie, Stewart | Howarth, rh Mr George | Hug, Dr Rupa | Hussain, Imran | Jardine, Christine | Jarvis, Dan | Johnson, Diana | Johnson, Joseph | Jones, Darren | Jones, Gerald | Jones, Graham P. | Jones, Helen | Jones, rh Mr Kevan | Jones, Sarah | Jones, Susan Elan | Kane, Mike | Keelley, Barbara | Kennis, Liz | Khan, Afzal | Killen, Ged | Kinnoch, Stephen | Kyle, Peter | Laird, Lesley | Lake, Ben | Lamb, rh Norman | Lammy, rh Mr Norman | Lavery, Ian | Law, Chris | Lee, Karen | Lee, Dr Philip | Lefroy, Jeremy | Leslie, Mr Chris | Letwin, rh Sir Oliver | Lewell-Buck, Mrs Emma | Lewis, Clive | Lewis, rh Mr Ivan | Linden, David | Lloyd, Stephen | Lloyd, Tony | Long Bailey, Rebecca | Lucas, Caroline | Lucas, Ian C. | MacNeil, Angus Brendan | Madders, Justin | Mahmod, 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, Steward Malcolm | McDonald, Helen C. | McDonnell, rh John | McFadden, rh Mr Pat | McGinn, Conor | McGovern, Alison | McLennan, Liz | McKinnell, Catherine | McMahon, Jim | McMorris, Anna | Mears, Ian | Miliband, rh Edward | Monaghan, Carol | Moran, Layla | Morden, Jessica | Morgan, rh Nicky | Morgan, Stephen | Morris, Graham | Murray, Ian | Nandy, Lisa | Neill, Robert | Newlands, Gavin | Norris, Alex | O’Hara, Brendan | O’Mara, Jared | Onasanya, Fiona | Onn, Melanie | Onwurah, Chi | Osamor, Kate | Owen, Albert | Peacock, Stephanie | Pearce, Teresa | Pennycook, Matthew | Perks, Toby | Phillips, Jess | Piatt, Jo | Pollard, Luke | Pound, Stephen | Powell, Lucy | Qureshi, Yasmin | Rashid, Faisal | Rayner, Angela | Reed, Mr Steve | Rees, Christina | Reeves, Ellie | Reeves, Rachel | Reynolds, Emma | Reynolds, Jonathan | Rimmer, Ms Marie | Rodda, Matt | Rowley, Danielle | Ruane, Chris | Russell-Moyle, Lloyd | Ryan, rh Joan | Sandbach, Antoinette | Saville Roberts, Liz | Shah, Naz | Sharma, Mr Virendra | Sheerman, Mr Barry | Sheppard, Tommy | Sherriff, Paula | Shuker, Mr Gavin | Siddiq, Tulip | Slaughter, Andy | Smeeth, Ruth | Smith, Angela | Smith, Eleanor | Smith, Jeff | Smith, Nick | Smith, Owen | Smyth, Karin | Snell, Gareth | Soames, rh Sir Nicholas | Sobel, Alex | Soubry, rh Anna | Starmer, rh Keir | Stephens, Chris | Stevens, Jo | Stevenson, John | Stone, Jamie | Streeting, Wes | Sweeney, Mr Paul | Swinson, Jo | Tami, rh 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 | Vaizey, rh Mr Edward | Vaz, rh Keith | Vaz, Valerie | Walker, Thelma | Watson, Tom | West, Catherine | Western, Matt | Whitehead, Dr Alan | Whitting, Mr Martin | Whittford, Dr Philippa | Williams, Hywel | Williams, Dr Paul | Williamson, Chris | Wilson, Phil | Wishart, Pete | Wollaston, Dr Sarah | Woodcock, John | Yasir, Mohammad | Zeichner, Daniel |

**Tellers for the Ayes:**

Bridget Phillipson and Stephen Doughty
NOES

Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Field, rh Frank
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freer, Mike
Fys, rh Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Hallow, 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 Sir John
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, rh Philip
Holloway, Adam
Hopkins, Kelvin
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, Mr Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
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, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Leigh, Sir Edward
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Little, rh Mrs Theresa
Lloyd, Howard
Loughton, Tom
Mackinnon, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLaughlin, rh Sir Patrick
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Millon, rh Anne
Moore, Damien
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Mundell, rh David
Murray, Mrs Sherry
Murrison, Dr Andrew
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Perry, rh Claire
Philp, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh 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
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simson, David
Simson, rh Mr Keith
Skidmore, Chris
Skinner, Mr Dennis
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, rh Rosston
Spelman, rh Dame Caroline
Spencer, Mark
Stewart, Bob
Stewart, Rory
Streeter, Mr Gary
Stride, rh Mel
Stringer, Graham
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swaye, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Thurlow, Kelly
Tilman, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vara, Mr Shaiлежа
Vickers, Martin
Villas, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
European Union (Withdrawal) Act

[1ST ALLOTTED DAY]

5.46 pm

The Prime Minister (Mrs Theresa May): I beg to move,

That this House approves for the purposes of section 13(1)(b) of the European Union (Withdrawal) Act 2018, the negotiated withdrawal agreement laid before the House on Monday 26 November 2018 with the title ‘Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community’ and the framework for the future relationship laid before the House on Monday 26 November 2018 with the title ‘Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom’.

At the start of five days of debate that will set the course our country takes for decades to come, it is worth taking a moment to reflect on how we got here. When the treaty of Rome was signed in 1957, the United Kingdom stood apart. It was 15 years later, at the third attempt, that we joined what was then the European Economic Community. Ever since, our membership has been a contested matter.

In the first referendum in 1975, the British people voted to stay in, but almost a third of those who voted wanted to leave. Indeed, there are those in this Chamber who campaigned to leave at that time. As the EEC evolved into a European Union of increasing political depth, the British people’s doubts about our membership grew. Ultimately, membership of any union that involves the pooling of sovereignty can only be sustained with the consent of the people. In the referendum of 2016—the biggest democratic exercise in our history—the British public withdrew that consent.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): The right hon. Lady has lost in the Supreme Court and in the European Court, and today she has lost in this House. I hope that she will not compound that by opposing a section 30 order for Scotland when the Scottish Government want it. Her history of opposition is not a good one and she should respect the democracy that she is talking about; it applies to Scotland too, Prime Minister.

The Prime Minister: As I have just said, membership of any union that involves the pooling of sovereignty can only be sustained with the consent of the people. In 2016, that consent was withdrawn by the British public in relation to our membership of the European Union. In 2014, when the people of Scotland were asked whether to remain in the United Kingdom, they voted to stay in the United Kingdom.

As I just repeated, in the referendum in 2016, the British people withdrew that consent, and they confirmed that choice a year later by voting overwhelmingly for parties that committed to delivering Brexit. The referendum was a vote to bring our EU membership to an end and to create a new role for our country in the world. To deliver on that vote, we need to deliver a Brexit that respects the decision of the British people: a Brexit that takes back control of our borders, laws and money and a Brexit that sets us on course for a better future outside the EU as a globally trading nation in charge of our
own destiny and seizing the opportunities of trade with some of the fastest growing and most dynamic economies across the world.

Anne Marie Morris (Newton Abbot) (Con): Having read this agreement, it seems to me that we will not be able to enter into trade agreements because we are going to be stuck with the same rule base that we had in the EU. Does my right hon. Friend agree?

The Prime Minister: I do not think my hon. Friend will be surprised if I say that I do not agree with the analysis that she has just given in relation to the agreement. It is clear that we will have an independent trade policy and that we will be able to negotiate trade deals around the rest of the world. This is a specific issue that we looked at when we were putting forward our own proposals in the summer in relation to our future economic partnership with the European Union. I heard somebody on the Labour Benches asking from a sedentary position when we will be able to negotiate our trade deals. During the implementation period, we will be able to negotiate, sign and ratify trade deals around the world.

This will only be a moment of opportunity if we in this House can find a way to deliver a Brexit that begins to bring our country back together. That means protecting the easy trading relationship that supports just-in-time supply chains and the jobs that depend on them, the security co-operation that keeps us safe, the progress we have made in Northern Ireland, and the rights of citizens here in the UK and across the European Union.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Prime Minister spoke of security co-operation, yet when I asked the Home Secretary the other day whether we would be left more safe or less safe as a result of this deal, he could not answer the question, because he could not guarantee that we would have access to the crucial SIS II database that ensures that we have information on terrorists, paedophiles and other criminals trying to cross our border. That is the reality of the deal that she has put before us.

The Prime Minister: As the hon. Gentleman knows full well, I think, the political declaration and the security section of that political declaration go well beyond any security arrangement that the European Union has with any other country. [Interruption.] And it makes it clear that in the next stage of negotiations, we will be negotiating how we can have access to the very elements that are covered by both SIS II and ECRIS. [Interruption.] No—perhaps the hon. Gentleman would like to look at the political declaration. The reference to those elements is indeed in the political declaration. [Interruption.] He says that they are not. I am sorry, but I have to say to him that he may not understand the elements that lie behind SIS II and ECRIS.

Wes Streeting (Ilford North) (Lab) rose—

The Prime Minister: I am going to make some progress for a minute.

Achieving all the things that I have just set out in terms of protecting our trading relationship, the security co-operation, the progress in Northern Ireland and the rights of citizens requires some compromise. I know there are some in this House, and in the country, who would prefer a closer relationship with the European Union than the one I am proposing—indeed, who would prefer the relationship that we currently have and want another referendum which they hope would overturn the decision we took in 2016. Although I profoundly disagree, they are arguing for what they believe is right for our country, and I respect that. But the hard truth is that we will not settle this issue and bring our country together that way. I ask them to think what it would say to the 52% who came out to vote leave, in many cases for the first time in decades, if their decision were ignored. What would it do to our politics?

Several hon. Members rose—

The Prime Minister: I will take a significant number of interventions, but I will make some progress at this stage.

These are important points. There are those who want a closer relationship with the EU, but they need to recognise the message that was given by the 52% who voted to leave the European Union.

There are others in this House who would prefer a more distant relationship than the one I am proposing. Although I do not agree, I know that they are also arguing for what they think is best for our future, and I respect that too. But the hard truth is also that we will not settle this issue and bring our country together if, in delivering Brexit, we do not protect the trade and security co-operation on which so many jobs and lives depend, completely ignoring the views of the 48%. We can shut our eyes to these hard truths and carry on debating between these extremes for months to come, or we can accept that the only solution that will endure is one that addresses the concerns of those who voted leave, while reassuring those who voted remain. This argument has gone on long enough. It is corrosive to our politics, and life depends on compromise.

Wes Streeting: My constituency was split pretty much down the middle during the referendum. May I explain the crux of the problem that the Prime Minister has next week? She set as the benchmark for security co-operation things being better than the relationship the EU has with other countries. My constituents who voted leave voted for a better future for our country, and my constituents who voted remain wanted to protect all the good that we have with the European Union. With the deal she has negotiated, she has brought those two groups together, but against her deal.

The Prime Minister: The deal that I have negotiated provides that good security co-operation while protecting the jobs that depend on the trade relationship with the European Union. That is why, as I say, it is not a deal that appeals to those who want—there are many who want a relationship that is closer and there are those who want a relationship that is further apart. I believe it is important that we respect the views of those who voted leave and deliver Brexit, but we also recognise that we need to protect the trading relationship with the European Union and the jobs that rely on it for the future.

Kevin Hollinrake (Thirsk and Malton) (Con): If Parliament does not support the Prime Minister’s deal, what is the most likely outcome—no deal or no Brexit?
The Prime Minister: I will reference the problems if Parliament does not support this deal a little later in my speech, if my hon. Friend will wait for that.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): I absolutely agree with the Prime Minister that we need to start coming together as a country once this process is over, but does she agree that if she is so convinced that her deal and political agreement are what the British people voted for, she should have the confidence to go back and ask them to verify whether it is something they support?

The Prime Minister: As I have said in this Chamber before, it is very important that all of us in this House recognise what this Parliament did. This Parliament overwhelmingly voted to give the choice of membership of the European Union to the British people. The people voted. They voted to leave. I believe it is incumbent on us to deliver that Brexit, and I believe it is a matter of trust in politicians and in this House that we do indeed deliver on that Brexit.

Sir Patrick McLoughlin (Derbyshire Dales) (Con): Will the deal that my right hon. Friend has agreed ensure that inward investment in this country, which has led to many hundreds of thousands of jobs—particularly in the automotive industry—will have the same access to markets that it presently has?

The Prime Minister: That is absolutely what underpinned the proposal that we put forward in the summer, and it is what underpins the ambitious trade relationship identified in the political declaration, ensuring that people can invest in this country with confidence. Reference was made earlier to people voting for a brighter future for this country. We can deliver that brighter future for this country with a deal that delivers a good relationship with Europe but also enables us to have those other trade deals around the rest of the world.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): My right hon. Friend has courageously and consistently said that there will be no second referendum. Does she agree that a second referendum would reopen all the wounds within families and, above all, that it would put the Union itself in jeopardy?

The Prime Minister: I do, indeed, agree with my hon. Friend. I think a second referendum would exacerbate division in our country and would not bring our country back together again.

Several hon. Members rose—

The Prime Minister: I will give way to the hon. Member for North Ayrshire and Arran (Patricia Gibson), and then I will make some progress.

Patricia Gibson (North Ayrshire and Arran) (SNP): The Prime Minister has repeatedly referenced the 52% who voted to leave, but I am still confused about why she is not willing to take any cognizance of the fact that electoral law has been broken, and therefore the result of the referendum cannot be trusted. Otherwise, we may as well abolish electoral law altogether. Will the Prime Minister not at least respond to the findings of the Electoral Commission?

The Prime Minister: The Electoral Commission stills says it believes that it was a fair poll, and I believe that we should abide by the result of that poll and deliver for the people of this country.

We can choose to settle this issue now—

Emma Reynolds (Wolverhampton North East) (Lab) rose—

Ms Angela Eagle (Wallasey) (Lab) rose—

The Prime Minister: I have said I will make some progress, and then I will be generous in my acceptance of interventions.

We can choose to settle this issue now by backing the deal in this motion—a deal that delivers Brexit and a new partnership with the European Union, a deal that delivers for the whole United Kingdom, a deal that begins to bring our country back together again.

Simon Hoare (North Dorset) (Con): The deal that my right hon. Friend has brought back has my full and unequivocal support, but may I ask her to confirm that, as we leave, our country will still be a rules-based, international, outward-looking, caring and compassionate country that stands as a beacon for good in the world?

The Prime Minister: I am very happy to give my hon. Friend that absolute reassurance, but more than that, we will be a country that promotes those values and that promotes that rules-based international order around the world. That is what we have always done as the UK, and it is what we will continue to do.

Several hon. Members rose—

The Prime Minister: I will take two further interventions.

Stephen Timms (East Ham) (Lab): On 30 March, under the agreement, the UK will lose its place on the European Data Protection Board, even though Ministers have said they wanted to hang on to that place. It is a place where the UK has wielded considerable influence on the development of European policy. Is not the reality of the agreement that we will continue to have to obey these rules, but we will have lost the ability to influence what those rules are?

The Prime Minister: The position in terms of voting rights and various elements once we have left the European Union is of course going to change, but what has been clear from the agreements that we have negotiated is the capacity for the United Kingdom to continue to give technical support where that is appropriate in a whole range of matters. On a number of the issues that are dealt with by the European Union, in terms of the rules that it operates, of course those are not just European Union rules, but international standards on which the United Kingdom will continue, during the implementation period and beyond, to have its role. I said I would take a second intervention.
Mr Bob Seely (Isle of Wight) (Con): It is unfortunate for the Government to be in contempt of Parliament. Does the Prime Minister agree that it is worse for Parliament to be in contempt of the British people, which is what will happen if we do not deliver on Brexit?

The Prime Minister: I absolutely agree that it is the duty, I believe, of this Parliament and it is the duty of us as politicians to deliver on the result of the vote that the British people gave in 2016 in the referendum. We gave them the choice, they voted to leave the EU and it is up to us to deliver that leaving of the European Union in the interests of our country.

Several hon. Members rose—

The Prime Minister: I will make some progress.

The decision we have before us has two elements to it: the withdrawal agreement that sets out the terms of our departure from the European Union and the political declaration that sets the terms of our future relationship with the EU.

Alberto Costa (South Leicestershire) (Con): Will the Prime Minister give way?

The Prime Minister: If I may, I will just make a little progress.

The withdrawal agreement ensures that we leave the European Union on 29 March next year in a smooth and orderly way. It protects the rights of EU citizens living in the UK, and of UK citizens living in the EU, so that they can carry on living their lives as before. It delivers a time-limited implementation period to give business time to prepare for the new arrangements. During that period, trade will continue on current terms so that businesses have to face only one set of changes. It ensures a fair settlement of our financial obligations, less than half of what some originally expected and demanded.

Alberto Costa: I thank the Prime Minister for giving way and apologise for intervening. Two years ago, I said to my right hon. Friend that I could never imagine her requesting me to vote to take away the rights of my Italian parents, who are resident in Scotland. Will she confirm that her deal guarantees the rights of EU nationals in the UK—3.6 million of them—as well as those of 1 million UK citizens in the EU27, in a way that no deal would not?

The Prime Minister: The withdrawal agreement does indeed guarantee those citizens’ rights—the rights of UK citizens in the EU and of EU citizens here, in the UK. The withdrawal agreement delivers that guarantee.

Conor Burns (Bournemouth West) (Con): No one can doubt the Prime Minister’s commitment to the deal and the passion with which she is selling it. In the early part of her statement, she twice referred to the status of Northern Ireland, saying that the deal is a good one for Northern Ireland. I come from Northern Ireland—I am a Catholic and a Unionist; I understand it pretty well. Can she explain why that passion for the deal as good for Northern Ireland is not shared by those who should understand Northern Ireland best?

The Prime Minister: My hon. Friend raises a point. I recognise that there are representatives of Northern Ireland in the Westminster Parliament who are concerned about aspects of the deal. It is this Parliament’s and this Government’s responsibility to provide some reassurance about those elements that have caused concern. I wish to continue to discuss the matter with representatives from Northern Ireland.

Lady Hermon (North Down) (Ind): Although the Democratic Unionist party has 10 MPs in the House, it campaigned for leave and the majority of people in Northern Ireland, like me, campaigned for remain. The DUP does not speak for the majority of people in Northern Ireland. I can reassure the Prime Minister that her withdrawal agreement has considerable support in Northern Ireland, particularly among farmers, businesses and fishermen. [Interruption.] I am sorry that people feel that that is funny. It is not. It is really serious for the people of Northern Ireland.

Reassurance is needed from the Prime Minister on the constitutional guarantee of the Good Friday agreement, which the Labour party should be proud of. It is guaranteed in the withdrawal agreement and the political declaration, so why the Labour party chooses to vote against the withdrawal agreement beats me. Will the Prime Minister please give an assurance to the people of Northern Ireland that nothing in the deal threatens the consent principle or the constitutional status guaranteed in the Belfast agreement?

The Prime Minister: I am happy to give the hon. Lady that absolute assurance. The issue was referenced in the December joint report, it is in the withdrawal agreement and it is clear in the political declaration. Nothing in the relationship and the deal with the EU will affect that position. We will continue to uphold the Belfast agreement.

Several hon. Members rose—

The Prime Minister: I give way to the leader of the DUP.

Nigel Dodds (Belfast North) (DUP): I am very grateful to the Prime Minister. Of course, the referendum was for the whole United Kingdom, and as a Unionist, I respect the result across the UK—Manchester, London, Scotland—[HON. MEMBERS: “They voted remain.”] Whatever way they voted, the UK voted, and we should respect the result. In terms of the views in Northern Ireland, I am quite happy to put them to a test any time. We will happily go to the electorate and put our views to the people if needs be. I am quite certain that we would be returned in greater numbers than we are today, so I am quite happy to take on the challenge that has been put down.

In terms of guaranteeing Northern Ireland’s position, the Prime Minister will remember that in paragraph 50 of the joint report, which we spent four days negotiating, guarantees were given to Northern Ireland. Never mind the words that have been said in this House today, they were in the actual text. Why have they been deleted? Why has she not kept them in the withdrawal agreement? Why have they not been translated? That is what we have a problem with. Words are good. It is the legal text, what is in the agreement, that matters.
The Prime Minister: The right hon. Gentleman is absolutely right; there was that reference to the consent of the Northern Ireland institutions in relation to any potential new regulatory differences between Great Britain and Northern Ireland. That is a matter we will be looking at and can look at in this House with regards to the parliamentary arrangements between the institutions within the United Kingdom for the future. It is exactly on these issues, the question of potential new regulatory divergence, that I believe it will be possible to give reassurance to not just representatives in this Chamber, but the people of Northern Ireland for their future.

Several hon. Members rose—

The Prime Minister: I will continue to take interventions, but I am going to make some more progress now.

The withdrawal agreement ensures a fair settlement of our financial obligations. I want to turn to the most contentious element of the withdrawal agreement. Perhaps this is a neat segue, as my last intervention was from the right hon. Member for Belfast North (Nigel Dodds), because I want to turn to the Northern Ireland protocol. It is important to remember what is at the heart of the protocol. It is our commitment to the people of Northern Ireland. It is about saying that whatever happens as we leave the European Union we will, as I have just said to the hon. Member for North Down (Lady Hermon), honour the Belfast agreement. The hard-won peace that has inspired the world and the detailed arrangements that have delivered and sustained it will not be lost. The people of Northern Ireland and Ireland will be able to carry on living their lives as before. To deliver that, we need a solution in the future partnership that ensures there is no hard border between Northern Ireland and Ireland.

Both the UK and the EU are fully committed to having our future relationship in place by 1 January 2021, but there is still the possibility that it is not ready before the end of the implementation period. The only way to absolutely guarantee no hard border on the island of Ireland at the end of the implementation period is to have a backstop in the withdrawal agreement as a last resort insurance policy. Let us be clear: this is true not just for the deal we have negotiated. Whether you want a model like Canada’s or whether you want to see the UK as a member of the European Economic Area, any future relationship will need to be negotiated and will need an insurance policy if that negotiation cannot be completed in time. Put simply, there is no possible withdrawal agreement without a legally operative backstop. No backstop means no deal.

Mr John Baron (Basingstoke and North Hampshire) (Con): The Prime Minister is well aware that many of us have wished her well in these negotiations, but does she understand and recognise that many of us also have concerns about the backstop and equate it to entering a contract of employment that gives the sole right of termination to the other party?

The Prime Minister: I recognise the concerns there are in the House and, if my hon. Friend will permit me, I want to go on to reference them a little later.

Mr Speaker: May I just very gently exhort the Prime Minister to face the House? In answering her hon. Friend, her hon. Friend can hear very well but Opposition Members cannot.

Mr Shailesh Vara (North West Cambridgeshire) (Con): I am grateful to the Prime Minister for giving way—indeed, she is being very generous in giving way to a lot of people. We are told that the EU does not wish to exercise the backstop, Ireland does not wish to exercise it and, certainly, the UK does not wish to exercise it. Is it not the case, therefore, that this is a matter not of renegotiating the withdrawal agreement, but of the European Union showing good will and good faith towards the United Kingdom by allowing us one additional line in the withdrawal agreement? This could be words to the effect that in the event of the backstop being triggered, the United Kingdom can, say, at three months’ notice, leave the customs union. To allow that one line would show enormous good faith and good will on the part of the EU, and nothing else.

The Prime Minister: I understand that some colleagues are worried, as I have just said, that we could end up stuck in the backstop indefinitely. In the negotiations, we secured seven separate commitments in the withdrawal agreement and political declaration to ensure that that is not the case. First, there is an explicit legal duty to use best endeavours to reach an agreement by the end of December 2020 that avoids the backstop coming into force in the first place.

That is not just a political commitment. As the Attorney General has set out, this is a recognised approach in international law, and we have the right to seek independent arbitration if this duty is not upheld. Secondly, if despite this, the future relationship is not ready in time, the backstop can be replaced by alternative arrangements. The political declaration makes it clear that we will seek to draw upon all available facilities and technologies that could be used to avoid a hard border, and preparatory work will be done before we leave so that we can make rapid progress after our withdrawal. Thirdly, if neither the future relationship nor the alternative arrangements were ready by the end of 2020, we would not have to go into the backstop at this point. Instead, we have negotiated that there would be a clear choice between the backstop or a short extension to the implementation period.

Fourthly, if we do go into the backstop, the legal text is explicit that it should be temporary and that the article 50 legal base cannot provide for a permanent relationship. Fifthly, if the backstop is no longer necessary to avoid a hard border, we have the right to trigger a review through the Joint Committee. Sixthly, as a result of the changes that we have negotiated, there is an explicit termination clause that allows the backstop to be turned off. Finally, the legal text is now clear that once the backstop has been superseded, it will cease to apply, so if a future Parliament decided to move from an initially deep trade relationship to a looser one, the backstop could not return.

Mr Vara: I am grateful to the Prime Minister for giving way—indeed, she is being very generous in giving way to a lot of people. We are told that the EU does not wish to exercise the backstop, Ireland does not wish to exercise it and, certainly, the UK does not wish to exercise it. Is it not the case, therefore, that this is a matter not of renegotiating the withdrawal agreement, but of the European Union showing good will and good faith towards the United Kingdom by allowing us one additional line in the withdrawal agreement? This could be words to the effect that in the event of the backstop being triggered, the United Kingdom can, say, at three months’ notice, leave the customs union. To allow that one line would show enormous good faith and good will on the part of the EU, and nothing else.

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ensure that there were certain elements that were in the interests of the United Kingdom, notably around fisheries and other issues. I caution hon. Members that not only has the EU made it clear that the withdrawal agreement cannot be reopened—we have agreed the deal and the deal is there—but it is not the one-way street that hon. Members would perhaps wish it to be.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Will my right hon. Friend give way?

The Prime Minister: If I could finish this point, it might respond to some of the comments. Rather than focusing on the legal mechanisms that we now have to avoid the backstop and ensure that if it is used, it is only temporary, the real question that the House needs to ask itself is whether it is in the EU’s interest for the backstop to be used, and if it is used, for it to endure. The EU’s original proposal for the backstop would have split the UK into two customs territories and given only Northern Ireland tariff-free access to its market. It barely changed the EU’s orthodoxy. It was wholly unacceptable to us, but the backstop that we have succeeded in negotiating no longer splits the UK into two customs territories. It gives the whole UK tariff-free access to the EU’s market without free movement of people, without any financial contribution, without having to follow most of the level playing field rules, and without allowing the EU any access to our waters. The backstop is not a trick to trap us in the EU; it actually gives us some important benefits of access to the EU’s market without many of the obligations. That is something the EU will not want to let happen, let alone persist for a long time.

I recognise that, as is clear from the contributions from my hon. Friends, some Members remain concerned. I have listened to those concerns, I want us to consider how we could go further, and I will continue to meet colleagues to find an acceptable solution.

George Freeman (Mid Norfolk) (Con) rose—

Daniel Kawczynski rose—

The Prime Minister: I give way to my hon. Friend the Member for Mid Norfolk (George Freeman).

George Freeman: As the Prime Minister confronts the inevitable contradictions at the heart of this process on behalf of the nation, is it not worth remembering that the vast majority of Members, including on the Opposition Benches, voted to trigger article 50 and voted for the referendum in the first place? Could I also remind her that out in the country her commitment to pursuing this is hugely admired? Given that this issue divides all parties in this House—and, indeed, on the Government Benches—it even divides the factions—would it not be sensible next week, as Parliament begins to take back control, to consider a free vote?

The Prime Minister: It is important that all hon. Members remember not only that the House voted overwhelmingly to give the decision on whether to leave the EU to the people in the referendum, but that the House voted by a significant majority to trigger article 50 and so to continue that process of leaving the EU and that, as I said earlier, at last year’s general election about 80% of the vote went to parties that had in their manifesto a solid commitment to deliver on the Brexit vote. We should all remember that when it comes to voting on the motion next week.

Daniel Kawczynski: Will my right hon. Friend give way?

The Prime Minister: I will give way to my hon. Friend, who has been trying valiantly for some time to intervene, and then I will make some progress.

Daniel Kawczynski: Yesterday, we tried to ask the Attorney General for his legal advice as to how much of the £39 billion we were legally and contractually obliged to hand over. He refused to give us a specific figure. Will the Prime Minister now give that specific figure, given that we are to hand over this £39 billion to the EU when we are facing shortages in our own constituencies?

The Prime Minister: There are different elements to the £39 billion in terms of the liabilities to which they refer. Of course, roughly £20 billion of that sum relates to the payments that will be made during the implementation period, which is about ensuring the smooth and orderly exit that is good for businesses. Obviously, there are other liabilities within that where it is determined that we have legal obligations, but, as I say—it is £34 billion to £39 billion; everybody quotes the higher figure, but it is £34 billion to £39 billion—it is from within that range that the final figure will come.

We have five days of debate, but I recognise that hon. Members will want to contribute in today’s debate, so I will make some progress. The second part of this deal is the political declaration. This is a detailed set of instructions to negotiators that will be used to deliver a legal agreement on an ambitious future relationship after we have left. I know that some Members worry that the political declaration is not already legally binding. It cannot be a legal agreement at this stage because the EU cannot legally agree a future relationship with us until we are a non-member state. Through the negotiations, however, we have ensured that we have the framework for an ambitious new economic and security partnership that is absolutely in our national interest.

At the outset, the EU said we would have a binary choice—Norway or Canada. The political declaration concedes that there is a spectrum, and we will have an unprecedented economic relationship that no other major economy has. The EU also said we could not share security capabilities as a non-member state outside of free movement and the Schengen area, but we have secured the broadest security partnership in the EU’s history. If this deal is passed, the task ahead of us will be to turn this ambitious political declaration into our new legal agreement with the EU.

Alison McGovern (Wirral South) (Lab): I must intervene at this point. The Prime Minister claims that this political declaration is detailed and specific. If that is the case, why was the Treasury Select Committee told today that it was not even possible to produce an economic analysis of the document because it was not specific enough?

The Prime Minister: The economic analysis that was produced by the Government last week made it very clear that within the political declaration is a spectrum on which the balance of obligations in relation to the rights of access—the balance of obligations on checks at the border in relation to market access—must be addressed. It is clear that that will be ambitious, and we
will continue to work for frictionless trade, which is indeed what was put forward in the White Paper in the summer. However, it was only right and proper that in our economic analysis we indicated a midpoint on that spectrum, which gave an indication to people of the impact of trade barriers should they be put up.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I thank the Prime Minister for giving way—she is being very generous—but does she not understand that by over-claiming what is in the political declaration, she is undermining trust? She is asking for our trust in her, and in the UK, to determine what will happen in future, because so little is resolved. Not only on the spectrum on the economics, but also on the security issues, she is over-claiming. She suggested to my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty) that she had effectively secured agreement to SIS II, but she knows that she has not, because she tried to do so. Paragraph 87 of the political declaration does not refer to SIS II; it simply says that “the Parties” will “consider” the arrangements, and if we are lucky we will get something that will “approximate”. That is not the same as SIS II, and the Prime Minister knows it. Will she be straight with the country and with Parliament about the political declaration?

The Prime Minister: I have said this to Members before, and I will say it again. There is a difference between ensuring that we have the security capabilities that we need in the future, and simply saying that we will be doing that in a particular way. What paragraph 87 makes clear is the intent to have an “exchange of information on wanted or missing persons and objects and of criminal records, with the view to delivering capabilities that, in so far as is technically and legally possible, and considered necessary and in both Parties’ interests, approximate those enabled by relevant Union mechanisms.”

Ms Angela Eagle: Will the Prime Minister give way?

The Prime Minister: No; I am sorry.

This is a fundamental issue which has underpinned the approach to these negotiations. We could have approached the negotiations by saying, “We are going to take the models that already exist, and in all cases we are going to say that we have to be in those models in exactly the same way as we are today.” What we have said is that we look to ensure that we can have the capabilities that we have where we need those capabilities, and that is exactly what we are delivering—

Yvette Cooper: Will the Prime Minister give way on that point?

The Prime Minister: No. I am sorry.

That is exactly what we have in the political declaration.

Several hon. Members rose—

The Prime Minister: I will give way to the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) on that point, but then I will make further progress.

Yvette Cooper: I am hugely grateful to the Prime Minister for giving way, but she tried to get exactly the same thing she tried to get SIS II. She should be honest with the House, and say that she tried to get SIS II and failed. She got other things, but I ask her to tell us whether she tried to get SIS II.

Mr Speaker: I am sure the right hon. Lady will want to make it clear that she is not suggesting that the Prime Minister has been other than honest. She is presumably encouraging forthrightness, is she?

Yvette Cooper: I certainly am encouraging forthrightness. I would not challenge the Prime Minister’s integrity, because I know that she has worked immensely hard on this, but I am asking her to give accurate information to the House. Will she tell us whether she tried to get SIS II, rather than pretending that she was trying to get parallel capabilities?

The Prime Minister: We are clear about the capabilities that are currently available to us as a member of SIS II and within ECRIS. It is still open to us to seek to have the same relationship in relation to SIS II and ECRIS as we currently have, but we want to ensure that we have the capabilities that underpin SIS II and ECRIS.

I am tempted to say that the right hon. Lady might like to cast her mind back to the time when I was Home Secretary and she was shadow Home Secretary, and I stood at this Dispatch Box moving the motion that ensured that we could rejoin 35 measures on justice and home affairs matters, including SIS II and ECRIS, while she, I seem to recall, was working with my right hon. Friend the Member for North Somerset (Dr Fox) to prevent the Government from rejoining those measures.

If this deal is passed, the task ahead of us will be to turn this ambitious political declaration into our new legal agreement with the EU. [Interruption.] No, I am going to make more progress, and the next section of my speech might be of interest to Members of this House. In doing so, I want to build the broadest possible consensus both within this House and across the country. So for the next stage of negotiations we will ensure a greater and more formal role for Parliament. This will begin immediately as we develop our negotiating mandate, building on the political declaration ahead of 29 March 2019. The Government will consult more widely and engage more intensively with Parliament as we finalise the mandate for the next phase of the negotiations. Ministers will appear before Select Committees between now and March in each relevant area of the political declaration from fisheries to space to foreign policy. So Members across the House will be able to contribute their expertise to the detailed positions we take forward with the EU, and the whole House will be consulted on the final version of that full mandate. We will also provide the devolved Administrations with a similar degree of detailed engagement. We will undertake targeted engagement with business and civil society to help inform our detailed negotiating positions.

Hilary Benn (Leeds Central) (Lab): Will the Prime Minister give way on that point?

The Prime Minister: I give way to the Chairman of the Exiting the European Union Committee.
Hilary Benn: The Prime Minister is being extremely generous in giving way. She said a moment ago that the House of Commons would be consulted on the mandate; can she give a very simple assurance that the House of Commons will get to vote on whether to approve that mandate, or not?

The Prime Minister: The outline of that mandate will be set in the political declaration; that is the deal that has been agreed with the European Union. What we are looking for is to have the expertise of the House and the views of the House when we go into that negotiating position. I also say to the right hon. Gentleman the Chairman of the Select Committee that I stated that Ministers will appear before the Select Committee, but of course Ministers will have to be invited by the Select Committee to appear before it. I hope, however, that Select Committees will indeed accept that it is important for Ministers to appear before them on these matters. Taken together, these arrangements will support a national mission to forge the strongest possible future relationship with our European partners, commensurate with our wider global goals and in the interests of the whole country.

Let me turn to the amendment proposed by the Leader of the Opposition. First, it argues for a permanent customs union. The benefit of a customs union is that it means no tariffs, fees, charges, quantitative restrictions or rules of origin checks. All of these are explicit in our deal, but, importantly, it goes further, because it also gives us the crucial ability to have an independent trade policy beyond our partnership with the EU, which membership of the customs union would not. So the Leader of the Opposition needs to explain why he does not share our ambition for a global Britain.

Secondly, the amendment argues for a strong single market deal. If that means being close to the single market but not part of it, then it is our deal which delivers the closest possible partnership. If it actually means being in the single market, the Leader of the Opposition is opposing taking back control of our borders and ending free movement. That not only contravenes the democratic instrument, the British people, but it contravenes his own manifesto.

Thirdly, the amendment claims our deal would “lead to increased barriers to trade in goods and services”. Unless the Leader of the Opposition’s policy is to stay in the single market as well as the customs union, some increase in barriers is inevitable. But our deal is the best deal outside the single market and it gives us the opportunities that come from an independent trade policy and increased regulatory freedom.

Joseph Johnson (Orpington) (Con): As the UK will have lost the ability to influence EU rule-making on financial services directly, it is vital that we can play a full part in defending our interests in international bodies that set standards globally such as the Basel Committee on Banking Supervision and the International Organization of Securities Commissions. Does the Prime Minister therefore share my concern that article 129 of the draft treaty, which clearly states that the UK may not take a contrary position to the EU in such bodies, will prevent us from doing so?

The Prime Minister: Article 129 is about the joint committee responsible for the management, administration and supervision of dispute resolution in the future. 

[Interruption.] I say to my hon. Friend that we have been very clear in the area of financial services that it is important, because of the significance of financial services to the United Kingdom, that we are able to ensure that we have the ability to set the regulations that we need to set as a global financial centre, working with the other regulatory bodies and doing that in the interests not just of the United Kingdom, but of financial stability across the world.

We are now at the stage in this process where we must all engage with the hard choices we face. Simply pretending that everything can stay the same as we leave the EU, as Labour’s amendment does, does not face up to those hard choices and amounts to not being straight with the people of this country.

Fourthly, the amendment claims that our deal would not protect workers’ rights and environmental standards. This is simply wrong. Our deal does protect them. As part of the single customs territory in the Northern Ireland protocol, we have committed to ensuring that there will be no reduction in standards in this area, including on labour and social protection, fundamental rights at work, occupational health and safety and fair working conditions. We have said that we will improve on this in developing our future relationship with the EU.

Indeed, we already go further than EU minimum standards, including on annual leave, paid maternity leave, flexible leave, paternity leave and pay, and parental leave, because we know that the first responsibility for protecting those rights sits with this Parliament. As we take back control of our laws, we will not only honour that responsibility, but go further still, including, for example, by implementing the recommendations of the Taylor review. So we will not just protect workers’ rights: we will enhance them.

Fifthly, the amendment claims that our deal allows the diminution of our security. The Leader of the Opposition knows full well that, if we fulfill the democratic decision of the British people to leave the European Union, we cannot have exactly the same rights as a third country that we currently have as a member. The question is: which deal represents the broadest security partnership in the EU’s history? It is our deal. What is he doing? He is opposing it.

Sixthly, the Leader of the Opposition’s amendment appears to reject the backstop—even though businesses, farmers and people from across the community in Northern Ireland support this insurance policy. There is real anger in Northern Ireland at the approach Labour is taking.

Finally, the amendment opposes leaving without a deal. But the EU has been crystal clear that no backstop means no deal. So the amendment is simultaneously opposing no deal and proposing a policy that would lead to exactly that. At this critical moment in our history, the Leader of the Opposition is not making a serious proposition for the future of this country. He is simply trying to force a general election. The right hon. Member for Hayes and Harlington (John McDonnell) admitted it when he said:

“Our view is we should have a general election.”

At a time when we should be delivering on the vote of the British people, the Leader of the Opposition wants to ignore that and have another vote. At a time when the Government are working in the national interest,
the Leader of the Opposition is playing party politics. At a time when we should all be focused, at this historic moment, on what is best for our country, the Leader of the Opposition is thinking about what gives him the best chance of forcing a general election.

Let me turn to the amendment from the right hon. Member for Leeds Central (Hilary Benn). This also seeks to reject our deal, as well as to reject no deal. But the House cannot unilaterally rule out no deal. The only way to avoid no deal is to agree a deal—and that requires the agreement of the House and the European Union.

Several hon. Members rose—

The Prime Minister: I have been very generous with interventions, and I will take further interventions in a few minutes after I have made this point. If you reject what the other side have described as the only deal on offer, then, whatever you say to the contrary, you put this country on course for no deal. This is doubly so when the amendment is silent on what alternative deal we should strike.

The EU27 member states have made it clear that this is the best deal available, and that there is neither the time nor the inclination to reopen negotiations and ensure that we leave in good order on 29 March next year. The choice before Parliament is clear: this deal, no deal, or the risk of no Brexit. Investing parliamentary time in seeking to create an alternative to these choices will only endanger our ability to deliver Brexit at all.

Vicky Ford (Chelmsford) (Con): I congratulate the Prime Minister on two years of the trickiest negotiations in our lifetime. Some of my colleagues in this House seem to think that, if they reject this deal on Tuesday, the other EU27 leaders will come back and give us something better, but why should they?

The Prime Minister: My hon. Friend raises a very important point. Exactly. They certainly do not intend to do that. They have made it very clear that this is the deal on the table.

Dr Sarah Wollaston (Totnes) (Con): I welcome the Prime Minister's commitment to engage further with the Select Committees. When she came to the Liaison Committee last week, she will have heard one Committee Chair after another pointing out to her the catastrophic consequences of no deal and asking whether she would rule that out, if and when the House rejects this deal, because we cannot inflict that kind of catastrophe on our people.

The Prime Minister: If my hon. Friend is concerned about no deal, the way to ensure that there is a deal is to support the deal that is on the table.

Stewart Malcolm McDonald (Glasgow South) (SNP): This feels like the fall of the ancien régime this afternoon—[Interruption.] No, I think the right hon. Member for Derbyshire Dales (Sir Patrick McLoughlin) was there. May I take the Prime Minister back to the bit that I think was supposed to be the Scotland part of this speech, on devolved Administrations? The Scottish Parliament will not be interested in Ministers making day trips to Scotland for a number of hours in order to come over with meaningless waffle. If we are to be convinced that our views will genuinely be taken into account, what will change? That has not happened up to this point.

The Prime Minister: The hon. Gentleman knows full well that we have had a high degree of engagement with the Scottish Government, and indeed with the Welsh Government, on all these matters as we have been going through. We will continue to have that high level of engagement. There are areas where there is a disagreement. The Scottish Government want, ideally, to remain in the European Union, but that would deny the vote of the British people—[Interruption.] That would deny the vote of the British people, so we do have a difference of opinion on that.

Let me now deal with another question that has been raised, which is the question of another referendum. I understand the argument that, if this House is deadlocked, we could give the decision back to the British people, but I ask the House to consider what that would say to those in our constituencies who put aside decades of doubt in the political process because they believed that their voice would finally be heard; what it would say about the state of our democracy if the biggest vote in our history were to be rerun because a majority in this House did not like the outcome; what it would do to that democracy; and what forces it would unleash.

This House voted to give the decision to the British people and this House promised that we would honour their decision. If we betray that promise, how can we expect them to trust us again? Even if we held a referendum, what would it achieve? It would not bring the country together; it would divide us all over again. It would not end the debate, because if it were close like last time, whichever side lost out would soon start to call for a third referendum. It would not take us forwards; rather, it would take us back to square one. This country cannot afford to spend the next decade going round in circles on the question of our relationship with the European Union. We have already spent too many years with divisions on Europe simmering in the body politic. We must deliver on the referendum that we have already had, focus on the day-to-day concerns of the people and take this country forward.

Rebecca Pow (Taunton Deane) (Con): I thank the Prime Minister for her generosity in giving way. My youngest child has just gone to university. Can she give an assurance, that, when he leaves, he will be able to walk out and make his way in this world and in this country? Will she give an assurance that this Government will have the ship back on track, will have respected the democratic view of this country, will have trusted the people, as we expect them to trust us, and will respect the European Union and have a close relationship with that great trading bloc? Will she also assure us that we will be able to hold our head up on the global stage and that we will not be diminished, but even greater?

The Prime Minister: I thank my hon. Friend, who may have anticipated what I am about to say. I can absolutely give her that assurance, because I want to be clear about what this deal delivers for the country. There will be an end to free movement once and for all,
an end to the jurisdiction of the European Court of Justice in the UK, an end to those vast sums we send to Brussels every year, a fair settlement of our financial obligations—less than half what some predicted—

Several hon. Members rose—

The Prime Minister: I am conscious that I have now been speaking and taking interventions for an hour. Many Members want to contribute to the debate, and I will make some progress.

We will have a new free trade area with no tariffs, fees, quantitative restrictions or rules of origin checks—an unprecedented economic relationship that no other major economy has. At the same time, we will be free to have an independent trade policy and to strike new trade deals all around the world. This deal means being out of EU programmes that do not work for us. We will be out of the common agricultural policy and out of the common fisheries policy as an independent coastal state once again, with full control over our waters. It means jobs protected, citizens’ rights protected, the integrity of our United Kingdom protected, the sovereignty of Gibraltar protected, and our security protected, with the broadest security partnership in the EU’s history, working together with our friends and neighbours to keep all our people safe. The British people want us to get on with a deal that honours the referendum and allows us to come together again as a country, whichever way we voted. This is the deal that delivers for the British people.

Several hon. Members rose—

The Prime Minister: No, I am not going to take any more interventions.

Mr Speaker, I have spent nearly two years negotiating this deal. I have lost valued colleagues along the way. I have faced—

Several hon. Members rose—

The Prime Minister: No, I am concluding. I have faced fierce criticism from all sides. If I had banged the table, walked out of the room and delivered the same deal that is before us today at the end of the process, some might say I had done a better job, but I did not play to the gallery. I focused on getting a deal that honours the referendum and sets us on course for a brighter future, and I did so through painstaking hard work. I have never thought that politics was simply about broadcasting your own opinions on the matter at hand—[Interruption.]

Mr Speaker: Order. Mr MacNeil, I am concerned—[Interruption.] No, you were chuntering noisily from a sedentary position. I saw you, and I heard you. Your apprenticeship to become a statesman has still a substantial distance to travel.

The Prime Minister: Politics is as much about listening to people from all sides of the debate and then doing what you believe is in our national interest. That is what I have done, and sticking to the task has delivered results for the British people. When the EU gave us a choice between off-the-shelf models, I won us a bespoke deal. When in Salzburg the EU tried to insist on a backstop that carved out Northern Ireland from the rest of the UK, I faced them down and they backed down.

Right at the end, when Spain tried to make a move on Gibraltar, I stood firm and protected Gibraltar’s sovereignty. That is why the Chief Minister of Gibraltar has said that no friend of Gibraltar should vote this deal down.

Do not let anyone here think there is a better deal to be won by shouting louder. Do not imagine that, if we vote this down, a different deal is going to miraculously appear. The alternative is uncertainty and risk—the risk that Brexit could be stopped; the risk we could crash out with no deal. And the only certainty would be uncertainty—bad for our economy and bad for our standing in the world. That is not in the national interest.

The alternative is for this House to lead our country forward into a brighter future. I do not say this deal is perfect. It was never going to be, and that is the nature of a negotiation. Yes, it is a compromise. It speaks to the hopes and desires of our fellow citizens who voted to leave and of those who voted to stay in. We will not bring our country together if we seek a relationship that gives everything to one side of the argument and nothing to the other.

We should not let the search for the perfect Brexit prevent a good Brexit that delivers for the British people. And we should not contemplate a course that fails to respect the result of the referendum, because that would decimate the trust of millions of people in our politics for a generation.

Several hon. Members rose—

The Prime Minister: I am concluding.

To all sides of the debate, to every Member in every party, I say that this deal deserves your support for what it achieves for all of our people and our whole United Kingdom—one Union of four nations, now and in the future. This is a debate about our future. It is not about whether we could have taken a different road in the past, but about which road we should take from here.

If we put aside our differences and remember what unites us, if we broker an honourable compromise in the interests not of ourselves but of those we were sent here to serve and if we come together to do our duty to our constituents, we will pass the test that history has set for us today. It is not easy when the passions run so deep, but looking around this Chamber, I know we can meet this moment. So I promise you today that this is the very best deal for the British people. I ask you to back it in the best interests of our constituents and our country and, with my whole heart, I commend this motion to the House.
Mr Leslie: Will my right hon. Friend allow me, on that point?

Jeremy Corbyn: Mr Speaker, no deal is not a real option, and the Government know that, because they are not seriously prepared for it. Eleven out of the 12 critical infrastructure projects that would need to be in place by the end of March 2019 to manage a no-deal Brexit are at risk of not being completed on time, according to the National Audit Office.

Mr Philip Dunne (Ludlow) (Con) rose—

Mr Leslie rose—

Jeremy Corbyn: I give way to the hon. Gentleman.

Mr Dunne: I am grateful to the right hon. Gentleman for having the courage to give way to someone on this side of the House, when he refused to give way to the former shadow Chancellor three times running. Will he explain to the House why he has not got the courage to debate with my right hon. Friend the Prime Minister on Sunday?

Jeremy Corbyn: I am quite happy to debate with the Prime Minister. I notice she was not very keen to debate with anybody during the general election, but we understand that.

The Government have been forced to publish their full legal advice, as voted for by this House. I hope and assume that that advice will be published tomorrow, because Members ought to be in possession of all the facts. In 2007, the Prime Minister then argued, and I absolutely agreed with her, that the full legal advice should have been made available before the Iraq war. Why did she push it right to wire here and lose two votes in the House in order to try and prevent the publication of the legal advice, which is so necessary to inform us in our debates?

This withdrawal agreement is a leap in the dark. It takes us no closer to understanding what the future of our country post Brexit would look like, and neither does the future partnership, which I will come on to. The Prime Minister states that the transition period ends in December 2020. Article 132 actually says it can be extended for up to two years, to 31 December 2022.

Mr Leslie rose—

Dr Rupa Huq (Ealing Central and Acton) (Lab) rose—

Jeremy Corbyn: I give way to my hon. Friend.

Dr Huq: I am grateful to my right hon. Friend for giving way. He makes a very good point: Brexit is painted as dividing our nation, but it has actually united our party in opposition to the Prime Minister’s proposals. It has also united many Conservative Members against her proposals, including two former Brexit Secretaries, the former Foreign Secretary and two former science and higher education Ministers. I wanted to ask the Prime Minister who the new science and higher education Minister is, but she did not take my intervention. Perhaps batting for that sector is incompatible with her Brexit, and indeed any form of Brexit.
Mr Speaker: Before we proceed, may I say very gently to the House that interventions should be brief, not mini speeches?

Jeremy Corbyn: I thank my hon. Friend for her intervention. The Labour party discussed this issue at great length at party conference and agreed that we would oppose this deal. We said that if the Government cannot govern and cannot command a majority of the House, then the great British tradition is that those Governments resign and we have a general election.

Mr Leslie rose—

Mike Amesbury (Weaver Vale) (Lab) rose—

Jeremy Corbyn: I give way to my hon. Friend.

Mike Amesbury: I thank my right hon. Friend for giving way. Does he agree that this Santa Claus letter of a deal offers no protection for workers’ rights, jobs, the environment or frictionless trade? Vote it down.

Jeremy Corbyn: My hon. Friend is right, because the deal does not ensure that if there are changes across the EU that improve workers’ rights and conditions, they are necessarily mirrored in this country. When the Prime Minister talks so grandly about workers’ rights in this country, what comes to my mind is a million people on zero-hours contracts; what comes to my mind is people trying to make ends meet by doing two or three jobs just to feed their children.

As I said, the Prime Minister states that the transition period ends in 2020. Article 132 actually says that it can be extended for up to two years, to December 2022. The Business Secretary is already clear that it is likely to be extended to that period, and under this bad deal we would have to pay whatever the EU demands to extend it for those two years.

Mr Leslie: Will my right hon. Friend give way on that bad-deal point?

Jeremy Corbyn: Under this deal, in December 2020 we will be faced with a choice: either pay more and extend the transition period, or fall into the backstop. At that point, Britain would be over a barrel. We would have left the EU, have no UK rebate and be forced to pay whatever was demanded. Alternatively, article 185, on the Northern Ireland protocol—the backstop—would apply. Not only would that mean that Northern Ireland would be subject to significantly different regulations from the rest of the UK, but the EU would have a right of veto—a right of veto—over the UK’s exit from the backstop arrangement. Far from taking back control, that is actually handing control to somebody else. That is what the Prime Minister is asking us to support.

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Jeremy Corbyn: The referendum took place. We fought the election respecting the result of the referendum. We are opposed to this deal. We think there is the possibility of getting an agreement that would be better for this country and give us the control that this Government’s proposals do not give us.

The past two years gives us no confidence that the Government can do a deal in under two years, taking us up to the transition period. So, at some point before December 2020, the focus would then inevitably shift from negotiations on the future relationship to negotiations on an extension of the transition period, including negotiating what further payments we would have to make to the EU. So, we are over a barrel—either paying whatever is demanded, or negotiating away fishing rights and who-knows-what else. This is a terrible failure of negotiation by this Government.

Janet Daby (Lewisham East) (Lab): Does my right hon. Friend agree that the Prime Minister will not take her political declaration for this deal to the people because she is afraid that her Brexit ship would sink?

Jeremy Corbyn: We will know the outcome of that next Tuesday, when the vote takes place in this House, but any analysis of this deal would show that it is unacceptable and should be defeated in this House.

Should the backstop come into force, there is no time limit or end point. It locks Britain into a deal from which it cannot leave. Remember that: it cannot leave without the agreement of the EU.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): Will the right hon. Gentleman clarify his answer to the hon. Member for Nottingham East (Mr Leslie)? He says that the Labour party stood on a manifesto that accepted the result of the referendum; he was clear on that. Yet since then, the right hon. Member for Hayes and Harlington (John McDonnell) has suggested that the Labour party’s position would now be to support a second referendum. Will the Leader of the Opposition now clarify, for the sake of the House: is the Labour party’s position to support a second referendum, or is it that it accepts the result of the first referendum and will not support a second referendum?

Jeremy Corbyn: I am sure that the right hon. Gentleman read the Labour manifesto with great caution and detail. [ Interruption. ] Oh, he did. We were quite clear that we respected the result of the referendum. In our conference motion we discussed the whole issue at great length, and at the largest Labour party conference in our history, our party agreed unanimously to back the composite motion that we put forward. That motion opposed the process that the Government are bringing forward, and suggests that if the Government cannot govern—and it looks increasingly like they cannot—they should make way and have an election. That is our priority.

Should the backstop come into force, there is no time limit or end point. It locks Britain into a deal from which it cannot leave. As was said during proceedings on the Attorney General’s statement yesterday, this is the first time ever in the history of this country that we have signed up to a treaty that we could not leave of our own volition. That is quite a serious indictment of this Government. In the backstop, restrictions on state aid are hard-wired with an arbitration mechanism, but no such guarantee exists for workers’ rights, and new state aid rules could be brought in, whether they were in Britain’s interests or not. The Attorney General made that very clear yesterday.

Angus Brendan MacNeil: Will the right hon. Gentleman give way?

Patricia Gibson: Will the right hon. Gentleman give way?

Jeremy Corbyn: I give way.

Angus Brendan MacNeil: The Leader of the Opposition talks about respecting the referendum. Fair enough—that is his point of view. I have a different perspective in Scotland. Will he respect the mandate of the Scottish Parliament’s will to have a second independence referendum? How far does his respect go?

Jeremy Corbyn: That is not actually relevant to today’s debate. We are talking about the deal that the Government have brought back, and that is what the debate is about. In the backstop, regulatory frameworks dealt with by non-regression clauses are non-enforceable by EU institutions or by arbitration arrangements, and would give the Government the power to tear up workers’ rights and damage environmental protections and consumer safeguards.

Chris Bryant (Rhondda) (Lab): Is not one of the most extraordinary things about the debate so far that we have not had a single mention of the word immigration, and yet it was meant to be one of the most important aspects of the referendum? The Government have not even published an immigration Bill. We do not know what our immigration policy will be next year. Do we not really want to stand up for the rights of young British people to be able to study, work and live anywhere in the European Union? It is British people who have used that right more than any other country in Europe.

Jeremy Corbyn: I was coming to that in my speech, but my hon. Friend is absolutely right: young people need that right to travel and study. The Erasmus scheme has worked very well, giving a lot of people opportunities to study. I will come back to that issue. I just think we should reflect on the massive work done by European
Union nationals who have come to make their homes in this country and helped us to develop our health service and many other services.

The backstop would apply separate regulatory rules to Northern Ireland, despite the fact that the Prime Minister said that this is something that "no UK Prime Minister could ever agree to".—[Official Report, 28 February 2018; Vol. 636, c. 823.]

That is another of her red lines breached. In fact, the list of the EU measures that continue to apply to Northern Ireland runs to 75 pages of the agreement.

Wayne David (Caerphilly) (Lab): Does my right hon. Friend agree that this is bad deal, and that one of the reasons for that is that the Prime Minister has spent much of the past two and a half years discussing the deal with her colleagues in the Conservative party rather than negotiating with the European Union?

Jeremy Corbyn: My hon. Friend is so right. This has been a negotiation with the Cabinet, with Conservative MPs and within the Conservative party. That is where all the concentration has been. Indeed, one of the Brexit Secretaries hardly ever went to Brussels anyway, presumably being more interested in arguments within the Conservative party.

It is also clear that the Prime Minister’s red line regarding the jurisdiction of the European Court of Justice has been torn up. Under the Prime Minister’s plan, by 2022 we will either be in a backstop or still in transition, where we will continue to contribute to the European Union budget and follow the rules overseen by the European Court of Justice. Indeed, the Foreign Secretary said on 25 November that the deal only “largely” ends the jurisdiction of the ECJ. It is crystal clear that the Prime Minister’s claim that this plan means that we take control over our laws, money and borders is utterly far-fetched.

On the future partnership, let us be clear: there is not a deal; there is a framework for a future partnership. Our trading relationship with Europe is still to be negotiated, and it will take years to do that. We still do not know what our long-term relationship with Europe would look like. That is why so many MPs across Parliament are not willing to vote for this blindfold Brexit and take a leap in the dark about Britain’s future. There is no mention of the Prime Minister’s favoured term, “implementation period”, anywhere in the 600 pages of the withdrawal agreement—and no wonder, as there is precious little new to implement spelled out either in the agreement or in the future partnership. The agreement does call for a transition period, but there is nothing to transition to. It is a bridge to nowhere. As the 26-page document says, it “can lead to a spectrum of different outcomes...as well as checks and controls”

and we are expected to endorse that as a basis of our future relationship with the European Union. After two years of negotiations, all the Government have really agreed to is a very vague wish list. Only three of its 26 pages deal with trade. It is not a trade deal; it is not even close to a trade deal. The trade deal recently signed between the EU and Canada took seven years to negotiate and ran to 1,600 pages. In two and a half years, this Government have agreed to three pages of text on trade. It is hardly an encouraging start to our future trade relationships.

The former Brexit Secretary committed to a “detailed”, “precise” and “substantive” document. We had the right to expect one. What we got contains no mention of frictionless trade, promised at Chequers, or even trade “as frictionless as possible”, promised before that. There is no ambition to negotiate a new comprehensive customs union with a British say that would protect jobs, trade and industry—and so uncertainty continues for business.

Bambos Charalambous (Enfield, Southgate) (Lab): Does my right hon. Friend agree that this deal does not deliver frictionless trade and that this will have a negative impact on the economy and risk jobs as well?

Jeremy Corbyn: It certainly does not deliver frictionless trade, and those working in industry are extremely worried about what will happen, because they do not see this deal as protecting their jobs or their futures.

The demand for a new comprehensive customs union has united both the Confederation of British Industry and the TUC, because it protects manufacturing supply chains. The decision to rule out a customs union and the lack of clarity in the deal risks deferring business investment on an even greater scale than at the moment, costing jobs and living standards. Many companies may decide that the lack of certainty means they will explore their contingency plans to relocate elsewhere.

The First Ministers of both Wales and Scotland have made clear to the Prime Minister that they would support participation in a customs union to protect the economy and jobs. A commitment to a new and comprehensive customs union could, I believe, have found support in this House, but the Government did not seek it.

Alberto Costa: The Leader of the Opposition talks about uncertainty, but I put to him just one example of why I encourage him to support the Prime Minister’s deal. If the deal does not go through, we could face a situation at 11.1 pm on 29 March where 1 million UK citizens living in the EU27 will no longer have their rights guaranteed. What would he do in that position?

Jeremy Corbyn: I imagine that the hon. Gentleman supports the Prime Minister’s deal because he is incredibly loyal to his party, with a blindness about the dangers of this deal for the rest of the country and the jobs that go with it.

The lack of clarity around these proposals also means that there is no guarantee of a strong deal with the single market, to ensure continued access to European markets in services. There is merely a vague commitment to go beyond the baseline of the World Trade Organisation.

As both the Attorney General and the Environment Secretary made clear in recent days, the commitments to workers’ rights, environmental protections and consumer safeguards are very far from secure. The social Europe that many people supported and continue to support was not part of why people voted to leave. All of that is at risk from this deal. This deal fails to give so many
economic sectors and public services clarity about our future relationship with several European Union agencies and programmes.

Caroline Lucas (Brighton, Pavilion) (Green): Does the right hon. Gentleman agree that the Prime Minister’s deal seriously undermines environmental protection in this country, because it does not replace the European Court of Justice with anything like the strength of an enforcement body? Instead of the promised watchdog, we have little more than just a lapdog.

Jeremy Corbyn: The hon. Lady is absolutely correct. The environmental protections that we have are essential. We cannot protect the environment inside national borders; it has to be done across national borders. We have to have the toughest possible environmental protection regulations, and the suspicion many of us have is that there is an appetite on the Government Benches to remove many of those protections as time goes on.

Mike Hill (Hartlepool) (Lab): Does my right hon. Friend agree that the Government’s obsession with clamping down on state aid is the wrong focus, and they should be focusing on all the important protections that we are discussing?

Jeremy Corbyn: The state aid rules of the European Union are something that this Government have been very happy to sign up to and, indeed, use as a means of not defending the steelworks at Redcar, when they could have done something about it and defended those jobs. This Government should be condemned for their failure to do anything to protect those steelworks and those jobs. I thank my hon. Friend for his intervention and the work he did to try to protect those jobs.

Let us take, for example, the Galileo programme, to which the UK has so far contributed £1.2 billion, but from which we now seem set to walk away. Then there is the lack of clarity about whether we will continue to participate in the European arrest warrant, Europol or Eurojust. The Chequers proposal argued for the UK maintaining membership of the European Aviation Safety Agency and the European Medicines Agency, but the future partnership merely allows for co-operation.

Afzal Khan (Manchester, Gorton) (Lab): Does my right hon. Friend agree that, while the Prime Minister seems proud to claim that freedom of movement has ended, she cannot tell us what it will be replaced with? Is it not right that we see the Government’s immigration White Paper before the meaningful vote?

Jeremy Corbyn: I am coming on to that in just one second.

We lack similar clarity about many other areas, including Horizon 2020 and Erasmus—it was mentioned by my hon. Friend the Member for Rhondda (Chris Bryant)—which have been so brilliant in providing students with opportunities to study in other countries. That is why so many young people are so concerned at this present time about what is happening.

There is no clarity about any future immigration system between the UK and the European Union, and it now seems that the immigration White Paper we were promised in December 2017 will not even appear in December 2018. Following the disgraceful Windrush scandal, many prospective migrants will have no confidence in the ability of this Government to deliver a fair and efficient system.

Janet Daby: I thank my right hon. Friend for mentioning immigration. Immigration is a serious concern for our young people, especially to do with Brexit. As he has mentioned the Windrush scandal, does he agree that learning the lessons is not good enough? We need a public inquiry if we are really to understand the Windrush scandal and the “hostile environment”. When we get that, we will understand more about how far the Government are committed to immigration and getting things right, especially at times like this.

Jeremy Corbyn: I thank my hon. Friend for her intervention, and as the daughter of a Windrush generation migrant to this country, she fully understands how horrible it felt in her community when this Prime Minister, as Home Secretary, deliberately created the “hostile environment”, which was so damaging to community relations all across our country.

Many EU nationals already here have no faith in this Government to manage the process of settled status fairly or efficiently. These are people who have contributed to our country, our economy, our public services and especially our NHS. We all meet them in hospitals and doctors’ surgeries. It is these people who are now so anxious about their future.

To our negotiating partners in the European Union, I say: “We understand why, after two years of negotiations, you want this resolved, but this Parliament represents the people of this country and the deal negotiated by this Government is not good enough for the people of this country, so if Parliament votes down the deal, then reopening the negotiations cannot and should not be ruled out.” There is a deal that I believe can win the support of this House and bring the country together, based on a new comprehensive and permanent customs union with a UK say and real protection of workers’ rights and environmental and consumer safeguards.

Several hon. Members rose—

Jeremy Corbyn: I have been very generous in giving way, particularly to Conservative Members.

As I conclude, I want to pay tribute to my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), the shadow Brexit Secretary, and his team of shadow Ministers. He is now facing his third Brexit Secretary, but he has stayed the course in holding this Government to account. I thank him and his wonderful team, and their supporters, for what they have done, and for the success today in forcing the Government to release the legal advice they were trying to withhold from us.

This is not the deal the country was promised and Parliament cannot—and, I believe, will not—accept it. The false choice between this bad deal and no deal will also be rejected. [Interruption.]

Mr Speaker: Order. The Leader of the Opposition is not currently giving way; he is developing his point. [Interruption.] No, he is developing his point. Hon. Members
do not need to set themselves up as though they are conducting an orchestra. It is not necessary. Mr Hoare, for example, you are an incorrigible individual. Your assistance in this matter is not required. I am afraid that you are a veteran of Oxford Union badinage and you have never really overcome it.

Jeremy Corbyn: As I said, this is not the deal the country promised and Parliament cannot, and I believe will not, accept it, and the false choice between a bad deal and no deal will also be rejected.

People around the country are very anxious. Businesses and workers are anxious about the industries they work in, the jobs they hold and this country’s stability.

Several hon. Members rose—

Jeremy Corbyn: I have given way a great many times, and I will draw my remarks to a close soon.

The responsibility for the state of anxiety lies solely with the Government. Two years of botched negotiations have led us here. Members of this House have a very important decision to make one week today. To vote for the deal would be to damage our economy, to make our constituents poorer and to take a leap in the dark with the future of this country. Do not take my word for it—the Government published their own economic assessment, which found that the Chequers proposals would make our economy nearly 4% smaller than it would otherwise be, thus knocking £100 billion out of our economy within 15 years. For those who like to say this—these are hard truths—but there will be no proper free trade deals and we will not take back control of our laws. For the Government to continue to suggest otherwise is to do violence to the natural meaning of words. We will give up £39 billion for nothing. We will not be taking back control of our borders. Not only have we yet to settle the terms on which EU migrants will in future come to this country, but we will be levying EU tariffs at UK ports and sending 80% of the cash to Brussels. In short, we are going to be rule-takers. We are going to be a de facto colony. Out of sheer funk—I am sorry to have to say this to the House—we are ensuring that we will never, ever be able to take advantage of the freedoms we should have won by Brexit.

Under the terms of the backstop, we have to stay in the customs union, while Northern Ireland, and therefore the rest of the UK if we want to keep the Union together, will stay in regulatory alignment unless and until the EU decides to let us go. Why should they let us go? By handing over £39 billion, we lose all our leverage in the talks. With the £95 billion surplus they have with us in goods alone, the EU has absolutely no interest or incentive to allow us—

Vicky Ford: The Prime Minister gave us seven reasons why the EU will not be using the backstop. Yesterday, the Attorney General made it completely clear that the backstop, if it ever came into place, would be challengeable under EU law itself. I say to my greatly respected colleague that I think he is promoting “Project Fear”.

What is his option—

Mr Speaker: Order. Resume your seat. I am sorry to

Stephen Gethins: Will the right hon. Gentleman give way?

Boris Johnson: If the hon. Gentleman thinks that that is an ideal situation for this country to end up in, then let him speak now.

Stephen Gethins: The right hon. Member talks about an ideal situation. He was a senior member of Vote Leave. He was Foreign Secretary for two years. We are in this mess because of him. Does he take no responsibility?

Boris Johnson: I am grateful to the hon. Member, but the fact is that I was not able to continue to support this process for precisely that reason.
Several hon. Members rose—

Boris Johnson: If the House will allow me, I will make some progress.

The EU knows that having that regulatory control over us, they would have no incentive, as it were, to take the foot off our neck. They will have us in permanent captivity as a memento mori, as a reminder to the world of what happens to all those who try to leave the EU. This is a recipe for blackmail and it is open to any member of the EU to name its price for Britain’s right to leave the backstop. The Spanish will make a play for Gibraltar. They French will go for our fish and our bankers. The Germans may well want some concessions on the free movement of EU nationals—and so it goes on.

Daniel Kawczynski: Will my right hon. Friend give way?

Boris Johnson: I will give way in just a second.

The worst of it is that we have not even tried properly to leave or show any real interest in having a different future.

Alberto Costa rose—

Boris Johnson: I will give way to my hon. Friend.

Alberto Costa: The Prime Minister, at the Dispatch Box today, was generous. She made very clear that for us to unify the country we have to bring the 48% who voted to stay, as well as the 52%. Can I ask my right hon. Friend, someone who was regarded in London as a unifying political figure, what he would do to bring the 48% and the 52% together?

Boris Johnson: As I say, remain and leave have been, to a very large extent, united in their dismay at what I think is a wholly undemocratic deal. The thing that really pains me—the hon. Member for North East Fife (Stephen Gethins) asked about the role of Ministers in this—is that we on the UK side of the negotiations have been responsible for forging our own manacles, in the sense that it is almost as though we decided that we needed to stay in the customs union and in the single market in defiance of the wishes of the people.

Sir Roger Gale (North Thanet) (Con): Will my right hon. Friend allow me to intervene?

Boris Johnson: I will give way in a minute to my hon. Friend, who has been chuntering away from a sedentary position behind me. We should be careful about claiming any kind of subterfuge—we have lost two Brexit Secretaries in the course of these negotiations, and it is very hard to understand how the former Secretary of State for Exiting the European Union could have been kept in the dark about the crucial addition to paragraph 23 of the political declaration. This country agreed in paragraph 23, apparently without the knowledge of the elected politician concerned, that our future relationship would be based on the backstop. No one campaigned for that outcome. No one voted for this type of Brexit. This is not Brexit, but a feeble simulacrum of national independence.

Several hon. Members rose—

Boris Johnson: I will give way in a second to my hon. Friend the Member for North Thanet (Sir Roger Gale). It is a paint and plaster pseudo-Brexit, and beneath the camouflage, we find the same old EU institutions—the customs union and the single market—all of it adjudicated, by the way, by the European Court of Justice. If we vote for this deal, we will not be taking back control, but losing it.

Sir Roger Gale: I am very grateful to my right hon. Friend for giving way. He appears to be one of those who prefers the grievance to the solution. My right hon. Friend the Prime Minister has come up with a solution. What is his big idea? [Interruption.]

Boris Johnson: I was coming to that. [Interruption.]

Mr Speaker: Order. Members must not shout across the Chamber at the right hon. Gentleman. It is extremely unseemly—[Interruption.] Order. I have no doubt that he is well able to look after himself. I am not really concerned about him; I am concerned about the reputation of the House.

Boris Johnson: I have been told, by your leave, Mr Speaker, that I have an unlimited time to speak, so I will come to the solution that my hon. Friend for North Thanet craves in just a minute.

Several hon. Members rose—

Boris Johnson: I must make some progress. If we vote for this deal, we are not taking back control. Indeed, I say to colleagues and friends across the House of Commons that we are part of a representative democracy, and voting for this deal would be not just like, as it were, turkeys voting for Christmas; it is actually worse than that. There is a sense in which we would be voting for Turkey, or Turkish—[Interruption.] That is exactly true. We would be voting for Turkish-style membership of the customs union, obliged to watch as access to the UK market is traded by Brussels, but with no say in the negotiations. Of course, the kicker is that with its veto, the EU ensures that the backstop that they impose on us is more subservient even than the arrangements that the Turks have—[Interruption.] That is absolutely true. It is a wonder, frankly, that any democratic politician could conceivably vote for this deal, and yet I know that many good colleagues are indeed determined to do so in the belief that we have no alternative or that we have run out of road, and as we heard earlier, that Brussels will offer us nothing else.

Simon Hoare rose—

Boris Johnson: And I want respectfully to deal with those anxieties, which I am sure my hon. Friend shares.

Simon Hoare: Given that my right hon. Friend appears to be unwilling to enter into an understanding of what a negotiation is, can we take it that he has only ever meant that no deal is a good deal because he does not believe in having a deal with an institution—this windmill at which he tilts at every turn—to which he is philosophically opposed?

Boris Johnson: I have great respect and admiration for my hon. Friend. But I do not philosophically oppose the EU; I simply think that membership is no longer
right for the UK. That was what I campaigned on, and I think the British people were completely right. I do not believe that no deal is the option we should be going for automatically, but I will come to that in just a minute. I want to deal with the anxieties that I know that he shares, because I think that he is profoundly mistaken, as indeed are other colleagues, in thinking that we have absolutely no option but to go ahead on this basis. We have plenty of other options. In order to see the way ahead, we need to understand what happens if next Tuesday this great House of Commons votes down this deal, as I very much hope it does. I will tell hon. Members what will happen, but they have to put themselves in the mind of our counterparts across the table in Brussels. In Brussels, they think they’ve got us beat—they do.

Carol Monaghan (Glasgow North West) (SNP) rose—

Boris Johnson: They think our nerve will eventually fail, that the Prime Minister will come to the summit next week and, in the event of the deal having been voted down, ask for some cosmetic changes, and I expect they will think about granting some cosmetic language that is intended to be helpful but which does not change the legal position.

In Brussels, they are confident that some time before next March, the Government will come back to the House and that the deal will go through somehow or other—by hook or by crook—because, as everybody keeps saying, there is allegedly no alternative. The Norway option will be seen for what it is—an even worse solution than what is currently proposed—and the notion of extending article 50, thereby delaying the date of Brexit, than what is currently proposed—and the notion of other—by hook or by crook—because, as everybody

Carol Monaghan rose—

Boris Johnson: No, although I understand exactly my hon. Friend’s analogy. I have heard it said by defenders of the Government that we may be 1-0 down at the end of the first half of the negotiations, but that we will win 2-0—I mean 2-1—by the end.

Carol Monaghan rose—

Boris Johnson: I do not see that it way. If we go on like this, with the backstop as it is, we will be thrashed out of sight. [HON. MEMBERS: “Let Carol in!”] I will come to Carol in a minute. Having studied the UK’s negotiating style in detail, I do not think that it believes—

[ Interruption. ]

Mr Speaker: Order. There is excessive noise in the Chamber. My understanding, in so far as I can hear—

[ Interruption. ] Order. Calm yourselves. My understanding is that Mr Johnson is not currently giving way.

Boris Johnson: I think the House will agree that I have given way quite a lot so far, and I am very happy to do so again in the future, but I want to come to the point that has been raised by my hon. Friends.

Several hon. Members rose—

Boris Johnson: Just one second. In Brussels, they think we have nothing left in our tank and that we want to do a deal at any price. As we all think about this vote and what we are individually going to do, and thinking about the attitude in Brussels towards us, now is the time for us to show them that they grossly underestimate this country and this House of Commons and our attachment to our liberties. There is an alternative. There is another way. We should not pretend, after two years of wasted negotiations, that it is going to be easy, but it is the only option that delivers on the will of the people and also, I believe, maintains our democratic self-respect as a country. That option is obvious from this debate, and from every poll that I have seen. We should go back to Brussels and say, “Yes, we want a deal if we can get one, and yes, there is much in the withdrawal agreement that we can keep, notably the good work that has been done on citizens.”

Tom Tugendhat (Tonbridge and Malling) (Con): When you went to Russia, did Lavrov give Ukraine back?

Boris Johnson: My hon. Friend, from a sedentary position, compares the European Union to Lavrov and Russia. I think that is an entirely inapposite comparison. These are our friends. These are our partners. To compare them to Russia today is quite extraordinary.

We should say that we appreciate the good work that is being done to protect the rights of citizens on either side of the channel, but we must be clear that we will not accept the backstop. It is nonsensical to claim that it is somehow essential to further progress in the negotiations. The question of the Irish border is for the future partnership, not the withdrawal agreement. It was always absurd that it should be imported into this section of the negotiations. We should use the implementation period to negotiate that future partnership, which is what I believe the Government themselves envisage—and, by the way, we should withhold at least half that £39 billion until the negotiation on the new partnership is concluded.

Ian Murray (Edinburgh South) (Lab): May I ask the right hon. Gentleman a simple question? Is the deal that is currently on the table better or worse than staying in the European Union?

Boris Johnson: I am afraid that that is a finely balanced question. [ Interruption. ] Much will depend on what happens after the vote on Tuesday. I believe that if we say what I propose, the EU will understand that the Government have found their resolve and are willing to be tough at last, and I believe that the EU will do a deal on those terms.

Mr Kenneth Clarke rose—

Boris Johnson: I am going to anticipate the intervention of my right hon. and learned Friend. I bet I know what he is going to say. In case the EU does not agree, we must be absolutely emphatic now that we are preparing urgently for the possibility that we will indeed have to leave before we reach a final agreement.

Mr Clarke: What we are voting on is the withdrawal agreement, and three points that must be settled before the big, wide, grown-up negotiations start on the future relationship. There will be a very wide agenda over the
next few years. My right hon. Friend is suggesting that we reject the withdrawal agreement now, in December, before we leave in March, and that we go back and say, “We are not going to pay our contribution to any legal liabilities and any continued access, and we are not at this stage going to guarantee an open border in Ireland.” Does he think there is the faintest chance of that being listened to seriously by any other member Government? If he gets his way, will he not doom us to rushing into a no-deal arrangement?

Boris Johnson: I do not agree with that at all. Obviously we should state what is agreed among all—that there will be no hard border in Northern Ireland. All sides agree on that. As for the legal liabilities to pay the £39 billion, they are, to say the least, contested. I believe it is additionally vital to do what we have failed to do so far, which is to show that we have the conviction and the willingness to leave without an agreement. Yes, I agree that that will mean a great national effort if it comes to that point, and yes it will mean that we have to make sure we get all the goods to our ports in addition to Dover, and ensure that the planes can fly and we address all the other questions.

Carol Monaghan: I thank the right hon. Gentleman for finally giving way. He is presenting an illusion of the EU not being good for the UK. Does he also think Euratom is not good for the UK, and if so can he explain to those currently waiting for cancer diagnosis and treatment where they are going to get their radioactive sources from?

Boris Johnson: I am glad to have given way because that is the kind of scaremongering about the consequences of leaving the EU that does no favours to the debate. In the event of our coming out without an agreement, the Treasury will have an opportunity to use the £39 billion to ensure that we can support the economy rather than talking it down, and I believe it will be far better to make that effort now and at least be responsible for our destiny than to agree to give up our right to self-government forever—because that is effectively what we will be doing—just because of our lack of short-term competence or confidence. Frankly, the EU will not treat us as a sovereign equal in these negotiations unless and until we are willing to stand up for our own interests now and in the future.

I think our country is ready for us to take this stand. [Interruption.] I think it is, because I think it has had enough of being told that we cannot do it—that the fifth or sixth biggest economy in the world is not strong enough to run itself. If we fail now, it will not be good enough—

Several hon. Members rose—

Boris Johnson: I have given way a great deal.

It will not be good enough to say to our fishermen that we cannot actually take back control of our fish because in the end it all proved to be too difficult and it will not be good enough to say to the people of Northern Ireland that after all those promises we accept that they must be treated differently from the rest of the UK.

Kevin Hollinrake: My right hon. Friend talks about avoiding a hard border in Northern Ireland. Speaking to the DUP conference at the weekend before last, he said that if Great Britain chose to vary regulations, there would be a need for regulatory checks and a customs border between Great Britain and Northern Ireland. Does he accept then that in some future world where the UK can vary its regulations as a whole, that would inevitably lead to regulatory checks between Northern Ireland and the rest of Ireland?

Boris Johnson: I am glad my hon. Friend has raised that point, because it is very important. Michel Barnier himself has said that technical solutions to implement such regulatory checks—not necessarily customs checks but regulatory checks—away from the frontier can be found, and that is what we should be doing. Frankly, that is what we should have been doing for the last two years; that is where our effort and our energy should have gone. And on that point about regulation, it will not be good enough to tell the people of Northern Ireland they are now going to be treated differently and it will not be good enough to tell the businesses of the UK that now and in the future they will be burdened with regulation emanating from Brussels over which we will have absolutely no control, and we could not stop it because we could not see an alternative. I must say to colleagues that if they think it is too disruptive to go now for the super-Canada option—to go now for freedom—just wait until we feel the popular reaction that will follow when people realise the referendum has been betrayed.

Anna Soubry (Broxtowe) (Con): Can my right hon. Friend tell us how his cunning plan, which will end up with no deal, will secure the 485,000 jobs that rely on the automotive sector and the just-in-time supply chains that he first heard about some six months ago from the Secretary of State for Business, Energy and Industrial Strategy?

Boris Johnson: I will not comment on when I heard about just-in-time supply chains, but it was many years ago. The objective, as my right hon. Friend knows, is to create a zero-tariff, zero-quota deal with the EU, which is readily deliverable when we consider that we already have zero tariffs and zero quotas. As for her anxiety about job losses, we have already heard a lot of prophecies about job losses. I think it was said that we would lose 500,000 jobs in this country if the British people had the temerity to vote leave. Actually, we gained 800,000 jobs, so I take such prophecies with a pinch of salt.

The sad thing is that too many people—indeed, some of the people who have been negotiating this deal—seem to regard Brexit as a disaster to be managed, rather than an opportunity. They see bad news as a vindication of that judgment and talk up bad news as a result. In taking that attitude, they badly misunderstand the instincts of the people of this country, who did not vote for Brexit out of hate, as the Prime Minister’s chief of staff tweeted after the referendum. They voted to take back control of our laws because they believe—I think, rightly—that if we govern ourselves and legislate in the interests of the UK economy, they have a better chance of good jobs, higher wages, cheaper food and clothes, and a brighter future, all of which are possible under a proper Brexit, and none of which can be delivered by this deal.
Above all, if we vote through this apology for Brexit, we will be showing that we have treated the 17.4 million people—the highest number of people ever to vote for a single proposition—with contempt. We will be turning our backs on those people. We must understand that when people voted to leave in 2016, they voted for change. They did not vote for an endless transition or a thinly disguised version of the status quo: they voted for freedom, independence and a better Britain—and for a country where politicians actually listen to what the people say. If we try to cheat them now—as I fear that we are trying to cheat them—they will spot it, and they will never forgive us.

8.3 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): It is difficult to be here today. It is in many respects a debate that many of us wish was not happening. It is with real sorrow that I rise to respond to the Government’s motion. The reality of Brexit is now laid before us—broken promises of taking back control from a Government that are so out of control; 21 ministerial resignations; countries, communities and households divided; our politics stale; and a Prime Minister fighting for her political life.

The past number of months have been filled with political drama—squares, squabbles and chaos—and from crisis to crisis, the Government hang on by a thread. Beneath all that is the reality, the hard, cold truth, that this is a moment of self-harm in our history. History has a way of teaching us lessons. If only we would listen.

In moments such as these, I reflect on someone we regard as an icon: Winnie Ewing—Madame Écosse—who came into this House 51 years ago to represent the seat of Hamilton. She represented the Highlands and Islands in the European Parliament and fought hard to ensure that Scotland benefited from its membership of that Parliament. I can see those benefits throughout my constituency in all the projects that were funded by European money. We had a welcoming ear in the European Parliament, and Winnie played an important part in the development of that institution.

We have heard today about the importance of Erasmus, and it holds a special place in the Scottish National party’s heart because it was Winnie Ewing who chaired the European Parliament’s education and culture committee when Erasmus was established in the 1980s. It is the legacy of someone who fought hard to ensure that all of us benefited from that European membership. In contrasting the approach that we have had from Europe with that of this place, I want to quote the great lady herself. She said:

“Time after time, on matters great and small, we are still standing on the sidelines, mutely accepting what is decided elsewhere instead of raising our voices and making our own choices. Scotland’s much vaunted partnership of Jonah and the whale.”

Respect for human dignity, human rights, freedom, democracy, equality and the rule of law are the core values of the European Union. Those values have united, not divided, us as citizens of Europe for many years. They are now ingrained in our society, and they are to be cherished and protected, not discarded or eroded. I am proud and privileged to be a citizen of the European Union. The European Union has been the greatest peace project in our lifetime. It was born out of the horrors of two world wars that ripped Europe apart, and it is a project that has gone on to change the course of our communities and improve citizens’ rights and opportunities across the continent. It is a project that I still believe is worth defending, and those of us on the SNP Benches will defend it. It is a project that has enabled our generations to travel, to work, to live and to thrive across all the countries of the European Union.

I come here today with a heavy heart and with the deepest regret that the opportunities I had to work in Amsterdam, to travel throughout Europe in my working career and to learn from the best and the brightest across Europe will be taken from our children. That is what we are doing. Embracing the diversity of European culture has enriched so many of us. We have had exciting opportunities to live and work in Amsterdam, Barcelona, Brussels, Berlin, Copenhagen, Vienna and so many other places. Our generation has had so many choices and opportunities to work and develop friendships across Europe, to learn from the rich diversity that Europe has to offer, to benefit from the experiences of different cultures and to form friendships with those like us who celebrate being European citizens with shared rights. The right to live and work across the EU is to be ended as a right for the next generation.

I have in the Gallery today an ex-colleague from Amsterdam, where I worked for a bakery ingredients company. My friendship with him was formed out of the opportunity I had to work in Amsterdam, and it is a celebration of the success of the opportunities that EU membership gave to all of us. That right to live and work together across the EU is to be ended as a right for the next generation. That automatic right to benefit from those career opportunities is to be removed. The opportunities to benefit from an inclusive Europe are to be swapped for the constraints of an inward-looking United Kingdom.

Dr Philippa Whitford (Central Ayrshire) (SNP): Most people in this Chamber know that my husband is German, but not all of them know that his mother was Polish and that his parents were not allowed to marry. The child they had together was taken from them. His mother was a forced labourer and his father was lifted by the Gestapo. Long before we ended up in this mess, he used to celebrate the fact that after one generation, he could live and work where he wanted and marry who he loved. In one more generation, we are taking all that away. It is shameful.

Ian Blackford: Thank you, hon. Friend for that explanation of what we are doing. Colleagues, we must reflect on where we are. I appeal to everyone throughout this House to stop and think about that erudite explanation of what has happened in Europe over the past 70 or 80 years. We should enshrine the benefits of free movement of people that have enriched so many of us. It is not too late to turn back.

Daniel Kawczynski: I am proud to be the first ever Polish-born British Member of Parliament and to celebrate the contribution that 1 million Poles have made to our country. However, by offering or proposing another referendum, does the right hon. Gentleman not share my concern that we could be giving wind to UKIP’s sails? The party is currently withering on the vine and fulling apart, but there will be a renaissance for UKIP if we have another referendum that overturns the previous result.
Ian Blackford: I respectfully say to the hon. Gentleman that we have to take that argument on. Migration has enriched us. Scotland’s population has barely grown over the past 100 years. We have gone from 4.8 million to just over 5 million people. If we do not have access to the free movement of people, we will be unable to deliver sustainable economic growth. I again say respectfully to the hon. Gentleman that thousands of Poles have come to work in Scotland over the past few years, and I say to each and every one of them who may be watching tonight, “You are welcome.” They are welcome because of the contribution that they make to our lives, our culture and our economy. The thought that we would take up the drawbridge and prevent people from coming to participate in the growth of the future of our country is, quite frankly, repugnant. I will fight along with my colleagues to ensure that we remain an open society and that we can continue to be enriched by those who want to come, live and contribute to our economy. They are welcome and will remain welcome.

In April 1988, when the single market campaign began, one prominent speaker stated:

“A single market without barriers—visible or invisible—giving you direct and unhindered access to the purchasing power of over 300 million of the world’s wealthiest and most prosperous people... We are putting the European Community to work for ordinary people: for cheaper air fares, for more and better services, for consumer choice and product safety.”

That was Margaret Thatcher. Even Margaret Thatcher recognised that shared markets, collaboration and partnership in Europe was in all our interests.

Many people may be puzzled as to why I begin by expressing the sentiment and not the content of the Government’s motion, but I do so because it is right. It is right to remember the real loss that we all will feel. That loss is down not simply to this deal or any other, but to the fact that any deal will mean a loss to our economy, our society and our children. The SNP has long argued and continues to believe that staying in the European Union is the best option for Scotland and, indeed, for all parts of the United Kingdom. When I hear the Prime Minister say that if we vote down this deal or no deal, that means staying in the European Union, I say, “Yes, please.”

There is no option that will be better for our economy, for jobs and for our communities than staying in the EU. It is the height of irresponsibility for any Government to bring forward a proposition that will make their people poorer and mean that people will lose their jobs. We heard earlier from the previous Foreign Secretary, the right hon. Member for Uxbridge and South Ruislip (Boris Johnson), that the warning on jobs was part of “Project Fear”, but let us look at the reality and at what we already know: 1,000 jobs lost from the European Banking Authority and 1,000 jobs lost from the European Medicines Agency. That is not “Project Fear”. That is the reality, and it has already happened.

Stewart Malcolm McDonald: I commend the open nature of my right hon. Friend’s speech, in stark contrast to the capricious and solipsistic nonsense from the former Foreign Secretary, the right hon. Member for Uxbridge and South Ruislip (Boris Johnson).

Will my right hon. Friend join me in calling on the Government, even at this late stage, to drop the charge they intend to impose on EU nationals to keep rights...
Ian Blackford: I fully agree, and I touched on that earlier. It just shows how this Brexit deal is a complete shambles and how we need to think again.

“A future in which Scotland, Wales, Northern Ireland and England continue to flourish side-by-side as equal partners.”

Those words are not mine; they are the words of the Prime Minister. A Prime Minister who promised we would be equal partners, but her rhetoric is in ruins, as her Government’s record has shown time and again that the Tories believe Scotland to be not an equal partner but a second-class nation worth only second-class treatment.

Throughout the entire negotiating period, the UK Government have treated Scotland with contempt. As I look around the Chamber, I can see the shaking of heads, but where are the 13 Scottish Tory MPs who were to stand up for Scotland? In this debate, which is so crucial to Scotland’s future, the Tories are not just found wanting—they are simply not here; they have disappeared.

Hannah Bardell (Livingston) (SNP): My right hon. Friend is making an incredibly powerful speech. On contempt for the Scottish people and for our Parliament, does he agree that, if this Government and their MPs continue to treat Scotland with the kind of disrespect we have seen throughout this Brexit process, it will only make independence for Scotland more likely and come sooner?

Ian Blackford: I thank my hon. Friend for that. I will make a prediction to this Parliament that Scotland will become an independent country. I say simply to the UK Parliament: keep going. Since we have come here, we have had English votes for English laws and the power grab that is taking place. The people of Scotland will one day make their judgment on what is happening.

Several hon. Members rose—

Ian Blackford: I want to make some progress, as I am aware that many others wish to speak.

Throughout the entire negotiating period, the UK Government have treated Scotland with contempt. Scotland voted overwhelmingly to remain, yet the will of the Scottish people means nothing—absolutely nothing—to this Prime Minister. Instead of engaging meaningfully with Scotland during this critical time, she chose last-minute photocalls and stage-managed events in Scotland—all smoke and mirrors to dress up the fact that her Government could not care less about Scotland, and we can see it tonight. The Tories think they can do whatever they want to Scotland and get away with it. They think they can railroad through this deal against our will and against our interests. The Tories’ mask has well and truly slipped. Scotland is not a second-class nation and our people do not deserve a second-class deal. This proposed deal is a non-starter and a no-deal Brexit is unthinkable. That means the priority now must be to stop Brexit and the SNP has made it clear that we will support any steps that would secure Scotland’s place in the European Union, in line with the votes of the people of Scotland. But we have also said that, if the UK is to leave the EU, by far and away the least damaging option is to stay in the single market, which is eight times bigger than the UK alone, and the customs union.

Sir Roger Gale: The right hon. Gentleman has nailed his saltire to the mast. He has been very clear and we know what he is saying: he wants to stay in the EU. How is he going to get out of the common fisheries policy? What is he going to do for Scottish fishermen?

Ian Blackford: Well, well, well, Scottish fishing. Scottish fishing was sold down the river in the 1970s because Ted Heath made sure that our fishing interests were sold out. I have to say to the hon. Gentleman that the deal the Government have brought forward is the worst of all deals because in the transition period the UK would remain in the CFP but would have no effect on the rules. Let us look at what the EU has made clear because you are going to enter into a transition but you are not holding any cards in terms of the future relationship, and the EU27 have said that the starting position for the negotiations on fishing will be the existing quotas. The Scottish fishermen have been sold out by the Tories, who have duped them into thinking that they are going to be taking back control of their waters—nothing could be further from the truth.

Several hon. Members rose—

Ian Blackford: I am going to make some progress.

Not content with ignoring the Scottish Government’s compromise option for two years, the Prime Minister now wants to shut Scotland’s voice out entirely. She cannot go on ignoring Scotland. Tomorrow, the Scottish Parliament will debate a cross-party motion that rejects this deal and a no-deal Brexit. Perhaps there are lessons for this place because at Holyrood parties have come together against a damaging Brexit, with a consensus and a desire to work collectively to defend Scotland’s interests. How many of the 13 Tory MPs from Scotland will stand up with us to defend Scotland’s interests? Where are they? I think we know the answer from the failure of the Scottish Tory MPs to stand up against a power grab when Westminster voted to take back control from the Scottish Parliament. We saw, when our powers over fishing, farming and the environment were to be trampled all over by Westminster, that the Scottish Tories turned a blind eye—Scottish Tories standing silent as the Scottish Parliament, our Parliament, which the people of Scotland voted for in such huge numbers in 1997, had its powers constrained.

The Prime Minister boasts that her deal has support, but her deal does not have the support of the people of Scotland. A poll published earlier this year found that almost two thirds of Scottish voters believe that the Westminster Government are ignoring their concerns during the Brexit negotiations. There is now more support in Scotland for remaining in the EU than there was at the time of the 2016 referendum. According to research carried out for the people’s vote campaign, 66% of Scottish voters support staying in the EU. The Prime Minister, like her predecessors, is out of step with the feelings of the Scottish people.

It is not just Scottish people; countless experts and professionals throughout the UK have said that it is a bad deal. Why is the Prime Minister not listening? Her proposed deal is unacceptable and must be defeated in this House. Some 80,000 jobs in Scotland will be put directly at risk as a result of Brexit. [Interruption.] I can see Ministers shaking their heads, but that is the analysis
of the Fraser of Allander Institute. Indeed, the UK Government’s own economic analysis points to the fact that a no-deal Brexit would damage the Scottish economy and wipe out more than 8.5% of our GDP. How any Government can impose these risks on Scotland is simply breathtaking.

The UK Government’s intention to end the free movement of people will be hugely damaging to our economy. Inward migration has made an overwhelmingly positive contribution to Scotland’s economy, meeting our needs for workers in sectors such as health and social care, as well as in the tourism industry in the highlands and islands. Any reduction in EU migration could have a serious effect on Scotland’s population growth and its demographic composition. All the projected increase in Scotland’s population over the next 25 years is due to migration. According to the Scottish Fiscal Commission, with 50% less EU migration, the working-age population would decline by almost 1% and the proportion of children would decline by 4.3%. The Prime Minister’s deal totally fails to meet Scotland’s needs.

Angus Brendan MacNeil: An example of exactly what my right hon. Friend is talking about came to my ears today. A pilot who works for a Scottish airline has a choice between having a strong EU Dutch passport or a UK passport. Having a UK passport would mean that he would have to pay around £10,000 for himself, his wife and his children to stay in the UK, and he would be left with a weaker passport. Or he can go with a Dutch passport and work internationally in the airline industry. That is the very damage that my right hon. Friend is talking about. The Government do not care about what they will do to the transport infrastructure of the highlands. They will carry on blindly, as they have been doing.

Ian Blackford: My hon. Friend is absolutely right. We must make the point right across Scotland that there is an existential threat to our living standards and our workers. We must make sure that we stop Brexit. If we cannot stop Brexit for the United Kingdom, we have to take seriously our own responsibility to protect Scotland.

Brexit uncertainty is already damaging our economy to the tune of £600 per household per year, as the value of the pound falls and inflation rises. That is not “Project Fear”; that has happened. That is what has happened since the sheer irresponsibility of the Vote Leave campaign, with ridiculous statements on the side of a bus, promoted by the ex-Foreign Secretary, the right hon. Member for Uxbridge and South Ruislip, who should be hanging his head in shame.

There is no certainty in the Prime Minister’s deal on future trading arrangements for goods and services, no certainty on future mobility, no clarity on law, and no guarantee on continued participation in the EU funding programmes that support our universities, communities, non-governmental organisations and businesses. Uncertainty leads to risks for investment and further risks for our economy. Under a free trade agreement, GDP would be £9 billion lower by 2030 than if we stayed in the European Union. That is equivalent to £1,600 per person in Scotland. That is what Brexit risks per year, making the people of Scotland poorer. That is why the Scottish National party, in all good faith, has offered a compromise. If we are to be dragged out of the European Union against our will, then, at the very least, we must remain in the single market and the customs union to protect our economy.

Without single market and customs union membership, the future relationship can only be a free trade agreement, introducing barriers to Scottish companies’ abilities to trade. That will damage jobs, investment, productivity and earnings.

The Government’s own analysis proves that Brexit is bad for Scotland: trade volumes, GDP and wages would all fall, while Government borrowing and trade costs would increase. All the analysis shows that a no-deal scenario would be catastrophic and it is likely that the corporate sector in general is not well equipped to deal with a no-deal Brexit. It is more important than ever that we are not faced with a false choice between a bad deal and a no deal. We need to have more time. We must extend article 50 and take an alternative route to protect our economy. This deal and no deal are not options. Only those reckless enough to risk economic hardship will back this deal.

Despite what the Prime Minister said here today, her own Chancellor agrees with the SNP. He admitted on Radio 4 that, in economic terms, we will be worse off after Brexit and after leaving the single market. Even more telling is the admission from the Prime Minister herself in the House last week. In response to the right hon. Member for Belfast North (Nigel Dodds), she said:

“What we want to be able to do in the future is to have our independent trade policy. One of the issues in relation to the backstop is whether or not we would be able to do that—that is one of the issues that we would not want to see us continuing to be in the backstop for.”—[Official Report, 26 November 2018; Vol. 650, c. 32.]

So the Prime Minister is clear. There is a concern from this Government over their ability to be able to strike and implement free trade deals if the backstop comes into force. Why then is she arguing here that this deal delivers? Again, I ask the House: how can we support a deal and back the Government on delivering an outcome that would make our economy smaller and our communities poorer?

Ministers have tried to spin support in favour of this deal, citing the support from sectors across the United Kingdom. However, let me say this to those who believe that this deal is the only option: it is not and we deserve better. We know that frictionless trade at the border is crucial for Scotland’s food and drink exports, but there is no guarantee of that as, under the deal, border checks and controls will depend on the extent of the UK’s alignment with EU customs and regulatory regimes. Yet the declaration contains no commitment to a common rulebook on regulation. The SNP believes that our food and drink sector deserves assurance. It deserves cast-iron protections for the industry, not a false binary choice between a no Brexit and a blindfold Brexit.

Yet again, another UK Tory Government in Westminster have bargained off our fishing sector. The utterances from No. 10 are false assurances. The UK is reneging on its promises to support Scottish fishing by accepting a link between UK waters and access to EU markets. Its commitment to a separate fisheries agreement as part of the economic partnership could mean the UK ceding access for EU vessels to UK waters, or accepting tariffs
and customs barriers on trade and fish, seafood and farmed salmon with the EU. That is not acceptable. That will mean that, again, Scottish interests are being traded off against each other. That is absolutely unacceptable and those Scottish Tories who profess to want to protect Scottish fishermen should hang their heads in shame. If the Tories go through the Lobby to protect this Government, they will once again have sold Scotland out for party political gain and they will not be forgiven for it.

The UK Government must respect the will of the Scottish people, who voted overwhelmingly to remain in the EU. It is a democratic outrage that Scotland has been dragged out of the EU against its will. The withdrawal agreement sidelines Scotland and sells out our vital national industries. How could any representative in good conscience support such a move? Let me be clear: next week, the SNP will reject the withdrawal agreement because it will leave Scotland poorer and rip opportunities away from future generations. Does the Prime Minister show any respect at all for our mandate? No. Do this Government have respect for the fact that every Scottish local authority voted remain and that the nation voted 62% in favour of staying in the EU? No. Well, in Scotland we will make our voices heard once again.

Northern Ireland has been given a differential deal that will put Scotland at a competitive disadvantage. There is no reason why a similar arrangement cannot be afforded to Scotland. The SNP will table an amendment to ensure that the voice of Scotland is well and truly heard in this place. Those who claim to be democrats—those who claim to have respect for the people of Scotland and for the mandate of the Scottish people and Parliament—cannot vote with the UK Government on this deal. It is clearer now than ever before that the only way to protect Scotland’s interests is to be an independent nation.

The First Minister has been very clear that she will set out the next steps on Scotland’s future once the terms of the Brexit deal are clear. The process of Brexit has demonstrated weaknesses in the UK’s constitutional arrangements. Scotland has been ignored, sidelined and undermined through the entire Brexit process. The costs to the people in Scotland of not being independent have been laid bare.

Today is a moment of huge historical significance. For decades to come, people will remember what this First Minister has said. For decades to come, people will remember what this First Minister has done. For decades to come, people will remember what this First Minister has stood for. For decades to come, people will remember what this First Minister has advocated and fought for. For decades to come, people will remember what this First Minister has achieved and what she has sought to achieve. For decades to come, people will remember what this First Minister has done for Scotland.

The right hon. Gentleman spoke at length about the tradition of democracy and respect for the rule of law. He called them European traditions without noting that they are actually strongest in this country—in Britain—and have been for a very long time. I wonder whether he might reflect for a moment, as he thinks about that respect for democracy and the rule of law, what damage could be done to that respect and to those values that are so precious in our country if he and his hon. Friends were successful in ignoring the biggest democratic mandate in British history.

Stephen Gethins rose—

Stewart Malcolm McDonald rose—

Angus Brendan MacNeil rose—

Sir Graham Brady: Blimey—what a choice. I give way to the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil).
Angus Brendan MacNeil: I hope that the hon. Gentleman will reflect for just a tiny moment on the fact that Ireland, which became independent of the UK 96 years ago, will this year be growing five times faster than the UK. For further understanding of that, it will take the UK five years to do what Ireland does in one year.

Sir Graham Brady: The hon. Gentleman will know, I am sure, what is the fastest growing major European economy at the moment. He also knows the difficulties that Ireland had some years ago as a result of its membership of the euro—something that would be inflicted on Scotland by the nationalists if they had their way.

I think the Prime Minister has enormous good will on both sides of the House. I think that Members on both sides of the House know that she has worked phenomenally hard to try to secure the best agreement. I also think she is correct when she makes the point that the country feels ready to move on. There is palpable tiredness with this subject. People the length and breadth of the United Kingdom want to know that we are going to move forward and put into effect the referendum that took place two and half years ago.

I listened earlier to the Leader of the Opposition as he talked about fear and concern in business and said that uncertainty was affecting investment in our country. It is important that Members on both sides of the House understand that if there is fear and uncertainty in boardrooms in this country, it is because of the concern about what would happen if the right hon. Gentleman were ever to form a Government in this country, and if there is capital flight going on at the moment from our country, it is because of that concern, not because of concern about Brexit. Certainly, we on this side of the House are in no doubt that it is better to have a Conservative Government led by my right hon. Friend the Prime Minister than one—

Stephen Gethins rose—

Stewart Malcolm McDonald rose—

Sir Graham Brady: I think we have probably heard enough from the Scottish nationalists for all five days of the debate.

But more remarkable, perhaps, is the number of Labour Members who feel that it would be much safer for the country to continue to have a Conservative Government led by the Prime Minister than one—

Stewart Malcolm McDonald rose—

Sir Graham Brady: Oh, go on then.

Stewart Malcolm McDonald: The hon. Gentleman says that he hopes that his right hon. Friend the Prime Minister will continue to see the deal through, but of course only he knows whether that is going to be the case—so can he enlighten us?

Sir Graham Brady: The hon. Gentleman knows perfectly well that I am not going to enlighten him on that, although I could enlighten him on so many other things.

There is so much that is good and sensible in the proposed withdrawal agreement. Crucially, the implementation period gives business a degree of certainty and the time to accommodate to changes. That is critically important. Also, I think that Members on both sides of the House absolutely welcome the mutual protection of citizens that is embodied in the agreement. That has been very important to Members on both sides of the House ever since the referendum over two years ago.

The Prime Minister was clear in her assessment when she said that there are those Members who would like to see much closer integration than is proposed in the withdrawal agreement. There are also those who would like to see a much looser relationship than is proposed. I am firmly in the latter camp. I find much in the agreement disagreeable. I think that it does propose to tie us in too closely to the European Union in the future. But like many others in this House, I recognise that there is a need to compromise. I recognise that at a time when we are negotiating with 27 other countries, and at a time when there is no overall majority in the House of Commons, some compromise is necessary.

But—this is my central point for my right hon. Friends the Prime Minister and the Secretary of State for Exiting the European Union—while recognising that compromise is necessary, there is one compromise beyond all others that makes this withdrawal agreement very difficult for many of us to support. It is the possibility, however remote, that we might be leaving a treaty that allows us to give notice to quit to join one that can only be left with the consent of the other party. To do that in the name of taking back control is very difficult for many of us to accept.

Over the next seven days, I urge the Secretary of State and the Prime Minister in the strongest possible terms to redouble their efforts to find a way to give real reassurance that we, the United Kingdom, could leave the backstop in the event that we have to enter it and to recognise that if negotiations on a future trading arrangement were to break down, there has to be a way to leave that backstop agreement. We have seven days of debate and discussion ahead of us. Many of us are hoping to hear that reassurance and are willing the Secretary of State and the Prime Minister well in that process.

8.46 pm

Margaret Beckett (Derby South) (Lab): Over 20 years ago, as the new President of the Board of Trade, my first overseas visit to a major trade partner—Japan—was dominated by the most overwhelming concern. Business and politicians alike wanted reassurance that the then new Labour Government would not be leaving the European Union. They were polite, but they were blunt. They had invested in the UK because the UK was in the European Union, and if we left, so would they. Just today, their ambassador re-emphasised their nervousness.

So in 2016, I could foresee serious economic harm to Britain’s interests, but I accepted that we had to abide by the referendum result and concentrate our energies on damage limitation. Despite the mixed messages from the Government, I voted to trigger article 50 and the process of withdrawal, but frankly, since then, it has been downhill all the way. First, it became clear that those who had clamoured for us to leave the European Union had not the faintest idea what to do next. There was no concrete plan for the nation’s future—just a series of sweeping assertions about how easy, swift and painless leaving would be and the golden future that awaited us.
Then we saw that the Prime Minister’s decisions were being taken not in the best interests of the country, but to satisfy her Brexit extremists. The withdrawal Bill then proposed that the control we were taking should be returned not to Parliament but to Ministers, with little, if any, real parliamentary scrutiny. Asserting Parliament’s legitimate role has been an uphill struggle, as we saw in the most recent Division today.

Article 50 allows only a two-year window for negotiations, so I expected the Government to seek the fastest possible progress. I agreed with them that withdrawal and future partnership were best considered side by side, but when that was rejected, concluding negotiations on part one—the withdrawal agreement—became all the more urgent. Leaving is one thing; what matters more is where we are going and on what terms, and that dialogue has yet to begin in earnest.

If anyone had said that we would reach the end of our two-year window struggling to reach any deal at all, I would never have believed it. But it is hard to negotiate successfully if we cannot agree on what we want, wilfully throw away our negotiating flexibility and sack people who tell us what we do not want to hear.

Over these two years, while the Government have wrangled endlessly about how to proceed, one disastrously unforeseen consequence of leaving the EU after an act has been revealed. Government Members keep insisting that everyone who voted knew exactly what they were doing and what the possible consequences would be. It may be so. All I can say is, I did not.

When I heard the Prime Minister pontificating about escaping the jurisdiction of the European Court of Justice, it never crossed my mind that that meant leaving Euratom—the watchdog not just for cancer treatment, but for the safety of nuclear power stations. I know from ministerial experience that we have, and have had for years, a shortage of people across the world with those skills and capacities, and we are about to leave behind some of those on whom we presently rely. However, whatever I did not know, I did know how much we rely on Dover for our import and export trade. I had not focused either on the losses to our scientific and medical research, or things such as the Galileo project.

As each of these problems emerges, I keep hearing that it is all right because the Government will continue all this investment—for example, to support our farmers—all on our own, so clearly the Prime Minister has found another of those magic money trees. Much of our consumption—for example, our food consumption—relies on the frictionless trade that we now enjoy; so, too, does modern manufacturing. Key goods and components are perpetually whizzing around the European Union and back to the UK, and thousands of jobs across Britain depend on this just-in-time delivery. That is why I was appalled to hear the Prime Minister announce, casually, that Britain would leave both the single market and the customs union—and, what is more, that these were red lines.

The economist Professor Patrick Minford declared the other day that just as the Thatcher years saw the demise of major industries such as coal and steel, so, too, leaving the EU, which he nevertheless supports, will probably—and, in my view, disastrously—see the end of what is left of UK manufacturing. I know that, nevertheless, most of the business community urges us to vote for this deal to provide the certainty that business always, understandably, seeks. I understand that totally; I have dealt with it for years. But no one should be under any illusions. Bluntly, these are not commitments to invest or stay in Brexit Britain. These are perfectly justifiable attempts to keep business going for the next two to three years to give them a breathing space, without disruption, to make their long-term decisions, which may not be in our favour.

I recognise, too, the concern that staying in a customs union may restrict our ability to negotiate other trade deals, say, with the United States. Personally, I am not starry-eyed about such deals. For a start, it is frankly inconceivable that any American President, let alone this American President, would do a trade deal with the UK without making it a key condition that giant US health corporations be allowed unfettered access to our national health service. I can well imagine that that might suit some right wingers who hanker after a privatised NHS and would let those companies use a free trade deal to accomplish exactly that, along with in other public services, while leaving the hands of Tory politicians clean. Equally, we would face demands to admit chlorine-washed chicken and hormone-fed beef, and no doubt other delights on which we have not yet focused.

Other trade deals would not be consequence-free either. India and China, to name but two, would, again understandably, want additional visas for their citizens—I have no quarrel with that—but the Prime Minister’s emphasis on the end of free movement may give some people the misleading impression that she is offering an end to immigration. She is not. According to the most recent figures, it is non-EU immigration that is increasing.

Not satisfied with the grave red lines misjudgement, tying her own hands and restricting her room for manoeuvre, the Prime Minister added to that the crass folly of selecting a date—not just a date, but a time—for our leaving and, to please and reassure her Brexiteers, she put it into the Bill. As that self-inflicted deadline approached, some began to say that it would be best to leave the EU at the end of March, giving up our prime negotiating cards and our strength, and work out afterwards what would be in our interests in future. I do not think that I have ever heard anything so criminally irresponsible from any Government or the supporters of any Government.

The Prime Minister says that people just want it to be over. Of course they do. Heaven knows, I think we all probably share that sentiment. But it is a con, perhaps the biggest con of all. If we pass the deal, it will not be over. The really serious stuff has not even started and it will go on for years.

Of course, to guide us, we have the political declaration. We have already heard from the Governments of France and Spain how binding they believe its warm words to be. The point is that it settles nothing. All is to be “explored”, “continued”, “considered” or “discussed”. Nothing is settled.

From the outset, the Prime Minister resisted the idea that this sovereign Parliament should have the chance to vote and express its opinion on any deal she might secure. She forcefully resisted the notion of a meaningful vote, and now that we have one, she is doing her utmost to make it meaningless by insisting that there is only one way for MPs to vote: for her deal.

The outcome of the series of votes is unpredictable and could well be indecisive. I have seen such a thing happen in this House before. Should there now be a further people’s vote? I hear “no” from most Conservative
Members. But I am in no doubt that I know infinitely more now about the potential consequences of leaving the EU than I did in 2016, and I think, having been in the Cabinet for some 11 years, I probably knew a little bit about it before. I know, too, that what leave campaigners promised is not on offer, mostly because it was undeliverable.

The hon. Member for Totnes (Dr Wollaston) and for Bracknell (Dr Lee) have reminded us that a major medical intervention must be preceded by an assurance that informed consent has been given. Consumer protection law gives a 14-day cooling-off period for people to make sure they know what they are doing. This time, the very future of our country is at stake.

There has been a determined effort to keep people in the dark. Economic assessments of Brexit’s impact prepared for Ministers were withheld, like the Government’s legal advice. The real-life consequences of leaving with no deal, which clearly still attracts some Conservative Members, are not being fully spelled out. The Chancellor, like the Governor of the Bank of England, publicly accepts that we would be economically better off staying in the EU, but he points out—and this is fair—that many who voted leave thought that a price worth paying to recover our sovereignty. But the deal on offer, which the Prime Minister says is the only deal on offer, does not recover our sovereignty. It leaves us rule takers from the European Union without any voice in shaping those rules. It represents what may well be the biggest transfer of sovereignty ever proposed by any British Government, because this time sovereignty is not being shared—it is being surrendered.

None of us can know today just what decisions or options, if any, will emerge from next Tuesday’s votes. The Prime Minister demands—she repeated it today—of all MPs that, when we vote, we do so not in any party or personal interest, but for what we honestly believe to be the interests of our country. I shall, Mr Speaker, and it will not be for this deal.

Several hon. Members rose—

Mr Speaker: Order. With immediate effect, an eight-minute limit will now apply.

9.1 pm

Anna Soubry (Broxtowe) (Con): It may be that I can shorten my comments, because I want wholeheartedly and thoroughly to adopt the outstanding and excellent analysis and conclusions of the right hon. Member for Derby South (Margaret Beckett). She does indeed speak with great authority. She of course knows, as a proud representative of the city of Derby, the Rolls-Royce plant in her own constituency. She also knows the Toyota plant near Derby. When she speaks about the just-in-time supply chains and our manufacturing, I suggest that there are few who could speak with so much genuine authority and knowledge. In her analysis and conclusions, she is absolutely right. I am delighted that she and I also agree that we should now have a people’s vote on this, the most important decision that our country faces and will take for decades.

Mr Speaker, I also want to say this. You, I think, understand perhaps more than many how that consensus, that agreement, was here in this House shortly after the referendum result. The great failing—it gives me no pleasure to say this of my own Government—was from the outset, when instead of reaching out across this House and across our country to heal the divisions, to bring together the 48% and the 52%, I am afraid and sorry to say the exact opposite was done. The 48% were tossed aside. We were abused. We were sidelined. If we had even the temerity to question almost anything we were called remoaners. It is supremely ironic that it is because of brave colleagues who normally sit here in what is called the naughty Chamber, who about a year ago stood up to the abuse from those calling us traitors and mutineers—and yes, the death threats—and voted, with some courage, that hon. Members will be able to debate in the way that we will and then to vote. The irony is not lost on me that some of those who were most ardent in their opposition to what we did 12 months ago are now the most keen to take advantage of it.

I will not vote for this deal on any other basis than it goes to the people for their approval. This is not a good deal. In fact, as many have already observed, it is not a deal. It is certainly not what we were promised, not even by our Prime Minister. Shortly after the triggering of article 50, she was interviewed by Andrew Marr. The tape exists. He questioned whether it would be possible in the next two years to begin to get anywhere near securing all the various deals that had to be secured or even get to the beginning stage. She was confident that it could all be done within two years. Well, here we are today and what do we know? We have a political declaration that can be ripped up by any Prime Minister or any Government who come in once we have left the European Union. The withdrawal agreement is the only legally binding part of the so-called deal. As we know, there is nothing to implement, and certainly nothing that we were promised. The so-called transition period is to an unknown destination, because after two and a half years, we still do not know what our eventual relationship with the European Union will be. That is simply not good enough.

The withdrawal agreement is indeed a blindfolded Brexit that fails to deliver on the promises made not just by the leave campaign but, I am sorry to say, by my own Government. As the right hon. Member for Derby South said so beautifully and eloquently, the right hon. and hon. Government Members who think that we should just get on with it, do it, and that we can all go home for Christmas and it will all be over, are—with great respect—completely and utterly fooling themselves. We have already heard speeches from those who prefer a no-deal, hard Brexit, and people can be assured that if we leave next March with nothing more than this withdrawal agreement and a political declaration that can be torn up, they will carry on and on and on for years in their quest to sever all ties with the European Union. As I say, they will do that because of the non-binding nature of the political declaration.

How poor is that political declaration? As others have observed, it is so vague that the Government could not even apply their assessments to it to try to inform us of its financial consequences.

Dr Wollaston: Does my right hon. Friend agree that this is exemplified in article 107 of the future framework document? It just says:

“The Parties should consider appropriate arrangements for cooperation on space”—

and that is it.
Anna Soubry: Indeed, it is nothing more than warm words of good intentions. There is no mention of the frictionless trade that we were all promised. Services, which make up 80% of our economy barely get a mention, and of course, the political declaration is the high point as we now go to the negotiations in March.

The worst part of the withdrawal agreement and the political declaration is that it will make our constituents and our country poorer, and I did not come to this place and will not vote to do anything that makes my constituents poorer, especially when a far better alternative exists. On their own admission, the Government are urging people to vote for this so-called deal in the clear knowledge that it will reduce the future economic prospects of the people of this country. And that is on their best assessments—or rather, guesses—because we know of the inherent problems and inaccuracies, in effect, of the impact assessments and the forecasts that have been made. Those just give us the best assessments when, in fact, many believe that it will be far worse than even those estimates.

No one should be under any illusions about how bad a place the backstop will be. I will not rehearse some of the arguments that have been put forward very well by others. This is not just vassalage; it will convey only a bare bones customs union, with none of the regulatory alignment that is so critical for business. Northern Ireland will have limited benefits, but those benefits will be better than the rest of the United Kingdom, which is clearly a threat to the Union of our country. I say to Members on the Government Benches: as members of the Conservative and Unionist party, on what possible basis can you vote for that? As others have observed, we will not be able to deliver any of the unicorn trade deals that have so far eluded us, but which will apparently magically appear in the next two years; nor, it seems, will we be able to benefit from the dozens of great trade deals that we already have because we are a member of the European Union. That is the reality.

This is not what leave voters in Broxtowe voted for. They have seen through the lies on buses and they now know of the broken promises. They see that whichever way we cut it, Brexit will make them poorer and reduce the life chances of their children and grandchildren. Now, they see the reality of Brexit, they are entitled to change their minds and have a final say by way of a people’s vote.

It is said that this Brexit is a price worth paying, but I reject that. I understand the political consequences—many hon. Members have mentioned the need to deliver this—but we must all put our country and our constituents first. If we do that, we will understand that the best deal with the EU is our current deal with the EU. It is not just good for trade; it is also about the country we are—open-minded, open-hearted. I fear for our country if we set course now, agree to this deal and make the grave mistake of leaving the EU, which has conveyed so much prosperity and delivered peace and a better country.

9.10 pm

Hilary Benn (Leeds Central) (Lab): Next Tuesday will be the House’s opportunity to have its say, and I rise to move amendment (c), which stands in my name and that of my right hon. and hon. Friends and colleagues. I want to begin by acknowledging the effort that Ministers, including the Prime Minister, and civil servants have put into trying to negotiate a deal. The fact that so many of us object to what has been brought back reflects not on that effort, but on the decisions that the Government have made. First, as we have heard, the Government embarked on the negotiations with the cries of those who argued for Brexit ringing in their ears. We need to remember the point made by my right hon. Friend the Member for Derby South (Margaret Beckett). We were told that “we will hold all the cards”; that this “will be one of the easiest trade deals in history”; that “getting out the EU can be quick and easy”; that “within two years...we can negotiate a free trade area massively larger than the EU”.

How slowly the truth has been revealed, and how painful a process it has been.

Secondly, while the referendum result made it clear that we would leave the institutions, it did not determine the future of our economic relationship. Thirdly, I believe that history will record the Prime Minister’s red lines to have been an absolutely catastrophic mistake, because they created the problem of the border in Northern Ireland and removed the Government’s room for manoeuvre. They boxed the Prime Minister in. These illusions and decisions resulted in the plague of disagreement that affected the Cabinet and led to so many ministerial resignations, including the loss of not one but two Brexit Secretaries. Goodness me! They exited the Department before we even exited the EU.

The Government spent two years trying to agree what to ask for, and the result was the contortion that was the Chequers proposal—an attempt to keep the border open and save friction-free trade. The problem was it was rejected by the EU. The Prime Minister spoke about home truths. Now is the time for some honesty. If we wish to maintain an open border in Northern Ireland, we will have to stay in a customs union and observe most, if not all, of the rules of the single market, but not a single Minister is prepared to acknowledge that truth.

As was demonstrated by the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) in his contribution, those who argued for Brexit have been exposed as having absolutely no plan for it at all. A Canada deal would fail to solve the Northern Ireland problem and would not give us friction-free trade, and as to the suggestion that we should leave the EU on WTO terms—no deal—I will turn to that in a moment.

The problem with the deal is the political declaration. We were assured that it would be substantive and detailed. It is not. It is merely words and aspirations that have no legal force. We have no idea where we are going, no idea where we will end up, no clarity and no certainty, and for business and future investment, which hate uncertainty, what kind of a deal is that?

The Prime Minister was questioned by my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper), who chairs the Home Affairs Select Committee, about security. She was asked why there was no reference to ECRIS or SIS II in the deal. In 2016, the police in Britain made 100,000 requests to ECRIS. In 2017, we made 500,000 queries to SIS II. That tells us how important those two sources of information are to the protection of our security, but neither is mentioned in the political declaration.
needs reform. The result of the referendum told us and not because it is perfect. It is far from perfect, and it for and reticence about Europe in almost equal measure.

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“great step forward towards the removal of divisions in western joining the Common Market was a of British history, to Edward Heath’s argument that

From Hugh Gaitskell’s speech about the end of 1,000 years our nation has been divided on the subject of Europe. Members of Parliament and shape the future for our vote next week.

a majority in the House for leaving with no deal, and we the House of Commons into voting for the Prime no deal must be kept alive as the bogeyman to frighten with no deal, but they are unwilling to say that, because Government would allow this country to leave the EU are not ready. I do not think that any responsible that we cannot leave with no deal: they know that we have advanced for the last two years. Ministers know Lady. That is a nonsensical argument that the Government

What about services, foreign policy co-ordination, policing and information sharing, taking part in EU agencies, fisheries, data, recognition of professional qualifications, broadcasting rights, intellectual property, public procurement, consumer safety, aviation, freight, energy, medicines, scientific co-operation, and lots of other things? What is the answer on all those? “We do not know.” “We cannot be sure.” “It is yet to be sorted out.” The truth is that that will not do.

The Treasury figures published last week, showing the reduction in GDP that would result from no deal compared with what would otherwise happen, are sobering and speak for themselves. Those who try to wave all that away by saying, “It would not be the end of the world”, or “There would be some disruption initially”, simply fail to do justice to the economic consequences of taking such a highly damaging step. They pay no heed to the fears and concerns of businesses that know it would be a disaster, and they do not respect the importance of the Good Friday agreement and the open border in Northern Ireland.

Anna Soubry: Does the right hon. Gentleman agree that the use of the slogan “No deal is better than a bad deal” was most unfortunate, given that no deal is in fact the very worst thing that could happen to our country? Was that not verging on the irresponsible?

Hilary Benn: I completely agree with the right hon. Lady. That is a nonsensical argument that the Government have advanced for the last two years. Ministers know that we cannot leave with no deal: they know that we are not ready. I do not think that any responsible Government would allow this country to leave the EU with no deal, but they are unwilling to say that, because no deal must be kept alive as the bogeyman to frighten the House of Commons into voting for the Prime Minister’s deal.

Jeremy Lefroy (Stafford) (Con): Does the right hon. Gentleman also agree that no deal—cutting ourselves off in that way—would have serious repercussions not only for our politics, but for our relations with our European neighbours?

Hilary Benn: Absolutely. I do not believe that there is a majority in the House for leaving with no deal, and we will have an opportunity to demonstrate our view in our vote next week.

This decision will define the present generation of Members of Parliament and shape the future for our children and our grandchildren. From the very beginning, our nation has been divided on the subject of Europe. From Hugh Gaitskell’s speech about the end of 1,000 years of British history, to Edward Heath’s argument that joining the Common Market was a “great step forward towards the removal of divisions in western Europe”, from Harold Wilson’s renegotiation and referendum to David Cameron’s, the British people have shown support for and reticence about Europe in almost equal measure.

I argued for remaining in the European Union, but not because it is perfect. It is far from perfect, and it needs reform. The result of the referendum told us and the rise of populism across Europe is telling Governments that too many people feel that the balance between sovereignty, self-determination, control—call it what you will—and co-operation between countries is not quite right. That thirst for control is a reflection of the lack of control that many of our constituents feel they have over their lives, given what has happened to their jobs and the changes that they have seen. But at this moment in our history, in this century, working with our neighbours and our friends is an absolute necessity if we are to address the great challenges that we all face on this small and fragile planet: the challenges of trade, dealing with threats to peace and security, preventing the climate of our earth from running out of control with devastating consequences for all the people whom we represent, and dealing with the tide of humanity that is travelling across the globe in search of a better life.

I will not dissemble, and I will not pretend, I think that leaving the European Union is a terrible mistake. It will damage our economy and discourage investment; it will hurt our constituents; it will make it much more difficult to do something about the many reasons why people voted to leave; it will reduce our influence in the world; and it will disregard the extraordinary achievement of the European ideal in bringing peace to a continent on which centuries of war had seen blood shed for no purpose, and generation after generation laid beneath the earth. In this year of the centenary of the end of the first world war, we should remember that, as well as remembering them.

We have to deal with the situation we find ourselves in, and my final plea to the House is as follows. Now is the moment to tell each other the truth. We owe that to a nation that has shown itself to be divided almost exactly down the middle. We have to bear in mind our responsibility to the 48% as well as the 52%, and no one is going to get out of this mess everything they wanted. No one is going to get everything they thought they would get. No one is going to receive all the things they were told they would receive. All of us are going to have to compromise, and we are going to have to find a way forward that a majority can agree upon.

The reason I would ask the House next week to vote for my amendment if it is selected is that the sooner we are able to say to the Government that we are not prepared to leave with no deal, the sooner we can forward that a majority can agree upon.

Several hon. Members rose—

Mr Speaker: Order. I am extremely grateful to the right hon. Member for Leeds Central (Hilary Benn). He began his speech by saying he was moving his amendment and I know what he meant was that he was speaking to it. Simply for the avoidance of doubt, I should emphasise to the House that under the motion agreed earlier today—that is to say the business of the House motion, in respect of which the right hon. and learned Member for Beaconsfield (Mr Grieve) did indeed move an
Still with the eight-minute limit, I call Sir Roger Gale.

9.21 pm

Sir Roger Gale (North Thanet) (Con): It is always a pleasure to follow the right hon. Member for Leeds Central (Hilary Benn). I do not agree with everything he said, but let me start with a point of definite agreement: the European Union needs reform. I personally believe that the EU is corrupt, bureaucratic, meddlesome and wasteful, but for all of that I voted remain. I did so because I believe my children and grandchildren and my constituents’ children and grandchildren would be better off within than outwith the European Union in terms of the economy and security.

That is how I voted, but unfortunately 52% of the British public did not. I have accepted that result, although I understand that others take a different view and would like to rerun the referendum or have a people’s vote or try to overturn the decision. But I believe we do have a duty now to honour the expressed wish of the British people, and for that reason I shall be supporting the withdrawal agreement. It is not perfect—no compromise ever is—but I listened very carefully to what the Attorney General said yesterday and his words were, to paraphrase slightly, that it is a risk, but a risk we have to take when we consider all the alternatives.

If we look at all the alternatives—I tried to goad my right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson) into offering one this evening and got nothing—such as the hard Brexit, and if we have to rule out, as I do, a return to no Brexit, we are left with the withdrawal agreement. I believe my right hon. Friend the Prime Minister was absolutely correct in saying it is not possible to go back to the Commission cap in hand. We might get a tweak here and a tweak there, but the idea that anybody is going to offer a radical reassessment of what is on offer today is baying at the moon. I spend a certain amount of time leading the Parliamentary Assembly of the Council of Europe delegation, and I meet European parliamentarians, as I have in the past few weeks. They are astonished, looking through the other end of the telescope, at how much has been given to the United Kingdom, and my right hon. Friend the Prime Minister is absolutely right to say that if she goes back and tries to reopen the deal, 27 other countries will all say “Me, too,” and then we shall have a raft of changes that will not be to our advantage. So for all that the withdrawal agreement is not perfect, I shall support it.

I want to touch briefly on the hard Brexit, because this is part of my equation, and now I need to be parochial. I am proud to be a Member of Parliament representing the garden of England—Kent. Other people do not seem to have grasped this fact, but quite a lot of trade comes through Dover and into the rest of the country and goes out through Dover. The fact of the matter is that probably 20 years ago 85% of the lorries going out were British, whereas now 85% of the lorries coming in and going out are continental.

A hard Brexit means a hard border. We have heard a lot about hard borders in Northern Ireland, but we have not heard about hard borders in England—a hard border between Dover and Calais. That shutter will come down. There will be controls, if we go for a hard Brexit. Kent Members visited the Dover Harbour Board last week and we spoke with the Freight Transport Association and Kent police, and I spoke personally with a freight forwarder. If those shutters come down, the traffic backs up at about a mile an hour. That is out of the port of Dover, up the M20, up the M26 and on to the M25, and then we are stuffed.

If the M25 comes to a grinding halt, south London comes to a grinding halt and soon Birmingham will come to a grinding halt. No car parts for the just-in-time car industry, no life-saving pharmaceuticals, no construction materials—rockwool, which is used extensively in construction, comes through Dover—and no food. The good people of North East Somerset and of Uxbridge may not care whether Kent is turned into a lorry park, but I do. What I also know is that the people of Somerset and Uxbridge will scream blue murder when they find that they cannot buy their new Chelsea tractor, their life-saving drugs or the foodstuffs that they enjoy that come in from mainland Europe. We will hear those screams from the west country and west London in Westminster.

We have three options. I rule out no Brexit, because I believe that it is not what people voted for. I have had to rule out, for the reasons I have just given, hard Brexit. I believe that it would be immensely damaging. Even my miserable maths says that two out of three leaves one, and that one is the withdrawal agreement that will be before us on Tuesday night. I believe that I owe it to my constituents’ children and grandchildren to vote for it, get behind it and then let this great country move forward. That is what I shall do on Tuesday.

9.27 pm

Sir Vince Cable (Twickenham) (LD): I wish to say a few words on behalf of the Liberal Democrats’ position that we should have a people’s vote with the option to remain in the European Union. We shall campaign to remain in the European Union, as we believe unambiguously that that is in the national interest and the right thing to do.

I think that I am one of the relatively few people left in the House who actually campaigned to join the European Union and in support of membership during the Wilson referendum. It was my privilege at the time to campaign alongside some very fine British and Scottish statesman, such as Jo Grimond, John Mackintosh and, perhaps above all, John Smith, who strongly believed that Britain’s future lay in the European Union. John Smith in particular would be pleased with the amendment that my Liberal Democrat colleagues have tabled, which fully endorses the Labour party’s amendment, but would add a small section that the leader of the Labour party either forgot or was embarrassed to refer to. It would add “including a public vote as endorsed by the Labour Party Conference”.

He did not mention that this evening.

My other relevant experience, which I share with the right hon. Member for Derby South (Margaret Beckett), is of having worked as President of the Board of Trade, for five years in the coalition Government. There were several important lessons from that experience. The first was the importance to Britain—and this was recognised by both parties in the coalition and the Labour party—of
its membership of the single market. It stemmed originally from an insight in the 1980s under Mrs Thatcher and was taken up by the Blair Government, that the future of the British economy lay with services, not just financial services but more generally. It was an area in which Britain had a considerable competitive advantage, and was in the national interest to promote. We did so, and we lectured countries such as Germany that were dragging their feet on issues such as mutual recognition of professional qualifications. At the end of the campaign for the single market, in 2015, we reached a provisional understanding on a digital single market, which was very much in the interests of Britain’s emerging digital economy and creative industries. The Prime Minister herself said recently that this was something that Britain should be part of, until it was pointed out that we cannot be part of if we leave the single market.

The other major lesson of that period comes from having negotiated with General Motors over Ellesmere Port and Luton, with Ford over its plants in the UK, with Toyota, with Jaguar Land Rover over its expansion, with Airbus over its big investments here, and with Siemens over its investment in wind turbines. In each case, the company made it absolutely clear that it was making its investments in the UK manufacturing sector in order to be part of the wider European market. Many of those investors, who invested here in good faith, now feel somewhat betrayed. The Japanese have said that very clearly, having been told by successive Governments that our membership of the European Union single market, on which the future of their investment here depended, would be maintained.

Looking forward, there are overwhelming arguments for remaining a member of the European Union. Some of them have already been expressed, including the arguments about peace, put forward by the right hon. Member for Leeds Central (Hilary Benn), and about high environmental standards. The fundamental point, however, is the impact on our living standards. It has been acknowledged—even by the Government in the past two weeks, as a result of their assessments—that however Brexit is constructed, we will be worse off if we leave the European Union. We can have different scenarios and assumptions, but there is none that shows that we would actually benefit from leaving the EU. We can see the signs of this already in what has happened since 2016. We have seen the biggest devaluation since the second world war, the cut in real incomes, the stifling of business investment and the decline in productivity. These things will continue on a bigger scale.

We are offered the fantasy of a clutch of trade deals, but we need to look at what that actually means. There will be some trade deals that can be negotiated. Small countries in the Caribbean will certainly sign up for trade deals to get better access for their bananas and sugar. Some countries will find it relatively easy to come to an agreement. They include Japan, Korea and Canada, but they already have trade agreements with the European Union, so we would gain nothing from that.

Norman Lamb (North Norfolk) (LD): Does my right hon. Friend share my concern about our participation in the world-leading Horizon 2020 programme and the Horizon Europe programme that will follow it? When I questioned the Prime Minister last week at the Liaison Committee, there was no clarity as to whether we would be part of that successor programme, which will be vital for our science base in this country.

Sir Vince Cable: My right hon. Friend is absolutely right, and he speaks with the authority of his Select Committee. Many universities will be among the biggest casualties of Brexit precisely for this reason. The loss of the Horizon and Erasmus programmes, and in some sectors the loss of Galileo, will be a major blow to the UK economy.

On the specific issue of trade deals, the countries that really matter are the United States, India, China and possibly Russia. We know about the United States, which has made it absolutely clear that an “America first” trade agreement will mean fewer British exports to the United States and more imports to Britain from the United States. It is quite unambiguous about how it defines a successful trade deal. When the right hon. and learned Member for Rushcliffe (Mr Clarke) and I negotiated with the United States on the Transatlantic Trade and Investment Partnership agreement, even the milder Obama Administration made it clear that they wanted British food standards to be shredded and that they could offer very little in return because public procurement, which is a key issue in the United States, is a state function.

Agreement with India is also difficult to achieve, as we have already heard. It is a very protectionist economy, and it would offer limited access for whisky and financial services in return for a substantial increase in visas for relatively low-paid Indian professional workers, which the Prime Minister has already specifically ruled out. The Chinese might reach an agreement, but only if we turned a blind eye to Chinese practices on intellectual property and the rest, and we are trying to impose more sanctions on Russia, so what kind of a trade deal could we possibly get there? This really is a fantasy. However, we need to be careful—this is where the amendment of the right hon. Member for Leeds Central (Hilary Benn) is so important—that we do not allow the development of the argument that we must have the possibility of no deal. There was an argument for saying that the no-deal option must be kept on the table when we were negotiating with the European Union, but an agreement has been reached and no better terms are going to be obtained. The Prime Minister is now negotiating with the House, and that is why no deal is there. It is not to threaten Europe, but to threaten us, and we must stand up to that and reject it absolutely.

Finally, a people’s vote is essential because we must give people the choice now that we know what Brexit means. We need informed consent, not just an opinion expressed on promises made at the time. The perfectly reasonable argument has been advanced that we want to bring the country together, and the Prime Minister spoke eloquently about that. We do not want to perpetuate division, but the brutal truth is that the country is bitterly divided, and it will be bitterly divided if we leave under the terms that the Government have negotiated.

We will be entering into a set of conditions in which the economy will deteriorate relative to how it would have performed in the European Union. The younger generation coming through will bear the brunt of the costs. Most of them voted to remain in the EU—an estimated 80% of 18 year olds wish to remain—and there will be
great bitterness and resentment about what the older generation has imposed upon them. The issue will not go away, and there will be continued demand for a further vote on the question.

Layla Moran (Oxford West and Abingdon) (LD): Does my right hon. Friend share my concern that the Prime Minister’s gambit that this will somehow be the end of the matter is not true? The 26-page political declaration is just the start of further negotiations, and people deserve the right to say whether they want to continue talking about Brexit and to suck the air out of this Parliament’s ability to tackle the big issues in this country.

Sir Vince Cable: That is absolutely right, and none of us should be under any illusion that this issue is going to die in March next year. As my hon. Friend points out, we will have five or 10 years of continued negotiation about what type of trade relationship we have, and then there will be other divisions around that. We will have a great deal of disillusionment with the costs that Brexit will inevitably entail and continued demands to return to the issue. Let us agree to have another vote on Brexit now that we know what it is. That is the least damaging and least hurtful way that we can proceed as a country.

9.37 pm

Mr Dominic Grieve (Beaconsfield) (Con): I am conscious that one should pay tribute to my right hon. Friend the Prime Minister for the selfless devotion that she has shown over the past two and a half years in trying to carry out Brexit, I say that particularly because of the view that I have taken that I cannot support the deal that she is bringing before this House, but it would be wrong not to acknowledge the appalling hand that she was dealt at the start of the negotiation or, indeed, her good intentions in trying to carry it out.

I want to explain briefly to the House why I cannot lend the Government my support on this matter. The reality is not so much the Prime Minister’s red lines, but the rather harsher truth that the decision that underpinned Brexit was built upon a fantasy. It was a fantasy about the nature of the United Kingdom, about its apparent lack of interdependence with other states, and about our ability to get a deal from the EU, which seemed to presuppose that we were separating ourselves from a sovereign entity not, as we are in reality, trying to detach ourselves from an international treaty organisation organised by a complicated rulebook and with limited scope for movement.

A consequence of that can be seen in the way in which, over a period of time, the ambitions that my right hon. Friend set out had progressively to be narrowed, which, over a period of time, the ambitions that my right hon. Friend the Prime Minister hopes that, in the political negotiations to follow, some of those problems may be overcome. I cannot make a prediction, but it is possible that they may be overcome, because I acknowledge that the EU may wish it, too. But the reality is that there is enough of a challenge that it ought to give this House real pause for thought.

Of course if there were total consensus, I might be reassured that, despite the fact I see this as a second-rate outcome, it may be worthy of support, but I only have to listen to so many of my hon. and right hon. Friends to realise, and I agree with what has been said, that in reality, far from bringing this debate to an end, we are only just embarking on it. And it will destroy this country over years of sterile debate about a future relationship, with the very real possibility that, at the end of it, we are still left in a relationship of dependency, because that comes from our geography, without any of the advantages of full participation. I do not consider that I can look my sons in the eye and say that I am simply prepared to sign this off.

The point has been made that we are living at a time when the will of the people should be respected and that we cannot ignore the result of the 2016 referendum, and I certainly acknowledge that it cannot be ignored. Many people voted for a multiplicity of reasons and the majority of them voted to leave, but when one ends up with a deal that is so markedly different from the things that were discussed in the referendum, it does not seem undemocratic to say that if the Prime Minister wishes to have this deal, the proper course of action is to go back to the people of this country and ask them whether it is what they really want.

There is an alternative, which is remaining in the EU, and I acknowledge there might even be one or two other alternatives beyond that, although renegotiating this package looks to be a pretty fantastic idea. As for no deal, a moment’s look at the economic projections shows that it would plunge this country into chaos for the sake of satisfying the ideological fixations of a tiny minority of this House, and that I will not let happen. I do not know what will happen if the Government lose the motion. I have no desire to hurt the Government, and I want my right hon. Friend the Prime Minister to continue leading this country, but at least it would provide an opportunity for this House to rise to the occasion, to put party political considerations to one side and to start to work together to see if we can
achieve a better outcome. The opportunity is there. I am pleased that hon. Members supported my amendment this afternoon and I am grateful to them, as it provides a foundation, at least by means of process, for taking that forward. I will vote for the amendment in the name of the right hon. Member for Leeds Central (Hilary Benn) in due course, because it also takes matters a further step forward. I am certainly prepared to engage with any right hon. and hon. Member in this House as to what other options than my own ideas might be available, although I come back to a basic point: we cannot be seen to be cheating the electorate of the 2016 outcome, and we have to recognise and acknowledge the consequences of that in the way in which we consult them. Subject to that, with reluctance, because it is certainly not an easy matter for me to find myself diverging from my own party, I have to say that this is a matter on which the national interest must come first. I am absolutely firm in my conviction that this deal is not good for the future of our country.

9.45 pm

Nigel Dodds (Belfast North) (DUP): This House has, fundamentally, a duty to respect the clear will of the people of the United Kingdom as delivered in the referendum and to deliver our exit from the EU as one United Kingdom. I regret to say that the withdrawal agreement put forward by the Prime Minister and a majority but not all of the Cabinet falls short of that objective. To enter into this arrangement, first through the transition period, as proposed, and then the backstop provisions, means we enter a twilight world where the EU is given unprecedented powers over the UK, certainly in the transition period, and massive leverage in the negotiations on the future trade relationship. And we would have to rely on the good will of others to let us ever leave these arrangements. Under these terms, the UK’s future as a strong and independent global trading nation, standing together, is in real and imminent jeopardy; this is an outcome that does not honour the result of the referendum or take back control of our laws, money and borders.

David Simpson (Upper Bann) (DUP): I am sure my right hon. Friend will agree that it is ironic that while the Prime Minister is out on her roadshow trying to sell this deal to the great and the good, the place where it actually matters is this House and she has managed to unite it against this deal.

Nigel Dodds: I thank my hon. Friend for that intervention. There is a point here, in that this deal does not satisfy anybody. Leave voters are outraged at what they see as the betrayal of Brexit and remain voters are asking, “What on earth is the point of losing all our say but still taking all the EU rules?” The political declaration, despite previous promises, does not set out a clear, precise future relationship and raises significant issues in its own right. As for the legally binding withdrawal agreement, we are somehow now told to take on faith that it might never be used, even though 18 months has been spent negotiating it, as nobody actually wants it. But as the Attorney General made clear yesterday, in a forthright and candid session before the House, there is “no unilateral right... to terminate”. —[Official Report, 3 December 2018; Vol. 650, c. 557.]

He said it is indefinite and that the whole thing was “undesirable”, “unsatisfactory”, “unattractive” and “a calculated risk”. That is hardly the most ringing endorsement for reasons why this House should vote for it.

Paul Girvan (South Antrim) (DUP): Commitments were given in paragraph 50 of the joint report to both our party and to the House, but there does not seem to be any reference to them in the document that has been produced.

Nigel Dodds: Again, I am grateful to my hon. Friend, because I have said this on a number of occasions. I have asked the Prime Minister about that point but have yet to receive a reason for it. Hundreds of detailed legal clauses in hundreds of pages are devoted to the Northern Ireland situation and the backstop, but there is not a single line and not a single word in relation to paragraph 50, which followed paragraph 49, of the joint report in December. That provision was inserted specifically to allow that the final say in and decision on any regulatory differences between Great Britain and Northern Ireland should rest with the Northern Ireland Assembly and Executive, yet none of that appears anywhere in the withdrawal agreement. We have received no satisfactory explanation as to why that has been deleted. Indeed, the assurance was given at the time that the backstop would be UK-wide—that there would not be this sort of special carve-out or provision for Northern Ireland—so the whole concept of the backstop is nonsense. Deciding a fall-back position, an insurance policy, before even starting the talks or reaching any decisions on the final arrangements was always nonsense. The whole process has been bedevilled by the fact that so much time has been spent on negotiating something that we are now told that nobody wants and that nobody will ever want to see introduced, and we are now told that other arrangements will be put in place.

Quite frankly, this is an issue of trust, because some of the words that have been spoken and some of the things that were told to this House and to us directly as a party during the negotiations have not come to pass. I remind the House of what the Prime Minister said to the House on 28 February 2018. She said that we cannot “undermine the UK common market and threaten the constitutional integrity of the UK by creating a customs and regulatory border down the Irish sea, and no UK Prime Minister could ever agree to it.”—[Official Report, 28 February 2018; Vol. 636, c. 823.]

A customs and regulatory border—that is precisely what the Government now propose. The Prime Minister said in terms on 28 February that no UK Prime Minister could ever accept that.

We are now being asked to take on trust the word of the Government. Who knows who the Government will be in two, three or four years’ time, whenever these negotiations come to an end? Who knows what the European Commission and European Parliament will look like at that time? We do know, though, that the final text of the withdrawal agreement will remain. It will be the thing that will stand and endure. It will be the only reference point that will be used, and it commits that after we come to the point at which we decide to go into this transition period of two years—and even if we do not get a deal after that, and there is absolutely no
guarantee that we would have any such deal after that period of time—we will automatically go into the backstop arrangements. That will include large swaths of rules and laws in relation to the single market for goods and agri-food. It will not just build on the regulatory differences that are there now, because the existing regulatory differences between Northern Ireland and the rest of the United Kingdom were decided by this Parliament and by the Assembly and the previous legislatures, and they are there for health reasons, not because we are in a different regime. The reason we would have checks and differences would be that Northern Ireland would be in a different regime—the single market regime, subject to enforcement by the European Commission and to oversight by the European Court of Justice.

On the customs arrangements, it is simply untrue to say that somehow we are all in one big customs union together. Northern Ireland is in the EU customs union, but a special customs arrangement is created with the UK and the EU, and Northern Ireland is therefore part of that. Quite frankly, that is unacceptable to me as a Unionist. We were told by the Prime Minister in her six declarations to the people of Northern Ireland in December that she would ensure that Northern Ireland left the European Union with the rest of the United Kingdom, that no part of the United Kingdom would be left in the single market or the customs union, and that no part of the UK would be left subject to the jurisdiction of the European Court of Justice. Whether or not we agree that that is a good thing, the fact is that these commitments and pledges were made and are now being broken.

Let me go back to what the Attorney General said yesterday, because it is important. We look forward to the legal advice that will be published tomorrow as a result of the Government’s finally acceding to the will of the House on this issue. The fact of the matter is that there is no get-out clause from the withdrawal agreement. It is in the gift of the European Union as to how we get out, when we get out and on what terms we get out. Many of us are concerned that whatever the short-term consequences of entering the backstop may be, the real danger lies in the future. When it comes to the point at which a final arrangement—a final trade deal—is agreed, it is clear that there will be those in other EU countries and Governments who will say, “Well, UK, you can have whatever arrangements you like, but one thing is certain: as far as Northern Ireland is concerned we still do not accept that there can be no hard border through the use of technology, so Northern Ireland is going to have to stay in the customs union and single market.” Leverage will be exercised by other Governments on other issues, but I have no doubt that that will be the argument that will be used. It will not be our decision, even if we disagree with that, even if we put forward counter arguments and even if we put forward other proposals. No one in Northern Ireland and no one in this House will have the final say over what happens; it will be the decision of the European Union as to whether or not it allows us to leave on whatever terms it may be.

Lots of contradictory arguments are being put forward by the Government in Northern Ireland. We are told here all the time that nobody wants this—the Irish Republic does not want it, the European Union does not want it, and the UK does not want it—and yet, in Northern Ireland, the Secretary of State is going around telling everybody that it is the best possible solution and the best possible outcome. If it is the best possible outcome, why is everybody else saying that it should never be used, that it is temporary? We are told that it is temporary, but we now know that, legally speaking, although there may be a desire for it to be temporary, it is indefinite.

There are many things that I could say, but I do not have any time to develop them. Quite frankly, many people in Northern Ireland feel that the pledges that have been made by the Government and the Prime Minister have not been honoured. We are sad about that and we deeply regret it. I admire the Prime Minister’s stamina, her resilience and the work that she is doing, but on this she has misjudged the mood of the country and the mood of the House.

9.56 pm

Mr Owen Paterson (North Shropshire) (Con): It is a pleasure to follow the right hon. Member for Belfast North (Nigel Dodds), and I agreed with every word that he said.

Let us go back. David Cameron promised that if people voted Conservative in the 2015 election, there would be an in-or-out referendum; the people would decide—no ifs, no buts, no second choice, they would decide. To his horror, he won and had to deliver the referendum after a botched negotiation. What happened? We had a referendum—absolutely clear. All the processes in the House said, “You, the people, will be sovereign. We the MPs will give you the decision. You will decide.” We then had project fear mark 1. The people were bombarded with propaganda. Leaflets worth some £9 million were sent—crazy stuff from George Osborne’s Treasury—and the people voted to leave. A total of 17.4 million people voted to leave, the largest vote in British history on any single subject. We then had from those who lost: what does leave mean?

Mr Vaizey: What does it mean?

Mr Paterson: Like me, my right hon. Friend was elected on a particular platform at the general election, because the Prime Minister very helpfully said, “Leave means leave the single market, leave the customs union and leave the remit of the European Court of Justice.” Every single Conservative member was elected on that platform and, helpfully, it was endorsed by the Labour party, so 85% of the votes in the general election endorsed the fact that leaving meant leaving those three things.

We then had the Lancaster House speech, which said that there would be no halfway house. What we have in this latest document does not deliver that. If this is passed, there will be the most appalling disillusion with our institutions. The people will have been thwarted and deprived by the establishment. We have seen it this evening: the political establishment hates Brexit; the commercial establishment—the CBI—hates Brexit; and the media establishment hates Brexit. None the less, the damage to our institutions will be grievous.

What we have in this document is worse than where we are at the moment. I was the Secretary of State for the Department for Environment, Food and Rural Affairs and represented the country in the common agricultural policy negotiations. We worked with our allies in Germany, Hungary and wherever. We stopped some of the more stupid proposals going through in the CAP reform, but we had to swallow an awful lot because we always got
Mr Paterson: I congratulate the right hon. Gentleman on his remarks so far. Has he heard, as I have, various Government Ministers assuring Unionist MPs from Northern Ireland that we have nothing to worry about, even though they do not like the agreement themselves? In the Lobby this afternoon, the Secretary of State for Northern Ireland told us that she did not like what was put forward. When we put it to her that this could only be annulled by the Republic of Ireland, the EU and the UK together, she had no answer. The fact of the matter is that this is what it means: the backstop will be there forever.

Mr Paterson: The hon. Gentleman is absolutely right. There is no way out of the backstop. As we heard from the Attorney General yesterday, whether we support this is ultimately a political decision because we do not get out unless the European Union agrees, and it is not going to let us go while we are stumping up the cash, nor while it has us trapped in an arrangement whereby it can impose law on us that is pernicious and can damage our economy but benefits the EU, which has a £100 billion surplus with us.

Before we get off the question of the economy, let me say that so many Members who have spoken this evening think that the EU is the most wondrous organisation and that the economy is booming in Europe. There is one continent in the world with a slower rate of growth: Antarctica. The European Commission says that 90% of world growth is going to be outside the EU, and that is where we want to be. But we have got hung up on the Northern Ireland border, where there is already a border that is handled with modern technology. The turnover—incrediably important locally—is tiny, at 4.9% of Northern Ireland’s sales. That is 0.2% of UK GDP and 1.6% of the Republic of Ireland’s exports north. This can all be done with modern techniques.

I have engaged with real-world experts at an organisation called CLECAT, which represents—[Interruption.] Opposition Members are laughing. I think that an organisation with a membership of 19,000 customs brokers and freight forwarders that handles 80% of customs transaction in Europe knows a lot more than the Labour Front Bench. CLECAT recommends very clearly that we should move on. We should recognise that borders are no longer inspection points, but tax points. Inspection happens before goods are shipped. Earlier, we heard about just-in-time delivery. One thousand trucks will turn up at the border tomorrow with car parts, and they have all been pre-cleared. Pre-clearance will carry on. The border inspection point in Rotterdam is 40 km from where the containers land. If that were the distance from Newry, we would be looking at somewhere well north of Lisburn, into the suburbs of Belfast. Looking at the most contentious products—food and agri-tech—landing in Rotterdam, there are 30,000 containers a year, and they are all inspected. They go to the border inspection post, some for less than a minute, and 97% or 98% of them whizz through. Of the remaining 2% or 3%, only 10% are physically opened up. People have this ludicrous idea of borders—that we have a man in a tricorn hat stopping the stagecoach with a ladle and testing the brandy. That does not happen. Goods are tested in advance. They are pre-cleared. We have modern systems like REX—the registered exporter system—on rules of origin. We have Transit, and records that are so accurate that I saw when I went to Larne that only two goats went through there in 2016. That is the sort of modern system that could work not just on the Northern Ireland border but at Dover-Calais.

We must vote against these ghastly proposals. This is absolutely appalling, and I am delighted that so many Members from across the House are going to vote.
against it. So what is the alternative? The answer is to go back to what President Tusk offered us on 7 March—a wide-ranging free trade deal that founded on the issue of the Northern Ireland border. Using existing techniques and technologies within the existing customs code, we can solve the problem of the border and go back and take up that offer. It was very clear at the meeting with Monsieur Barnier and his senior colleagues that that offer is still on the table.

The European Union will have to face the fact that if this proposal goes down, as I hope it will this time next week, we should go straight back and take up that offer. I am glad to see that the Secretary of State is here. He should go straight back and do that. We can solve the problem of our borders. We can immediately start negotiating for this wide-ranging free trade deal. Just to show that we are serious, he should also make it very clear that we are going to make preparations for what “Project Fear” calls no deal, which means World Trade Organisation terms. Those are the terms on which 164 countries conduct 98% of world trade. It is absolutely childish to describe this as “leaping off a cliff” and a “catastrophe”.

We should show that we are deadly serious because obviously we are not going to get the free trade deal done by March. If we have a short temporary period in which we have set up a genuine agreement with the European Union, then we can invoke article 24—which I am not sure many people have heard of—of the general agreement on tariffs and trade, which enables us to go on at the current rate of zero tariffs for a reasonable length of time, potentially up to 10 years, so we can carry on exactly as we are. Goods will carry on moving. We will prosper and grow at a tremendous rate, as has been proposed by various forecasters. That is the alternative and that is the way ahead.

10.7 pm

Mr Roger Godsiff (Birmingham, Hall Green) (Lab): Thank you, Mr Speaker, for the opportunity to speak in this momentous debate, which will determine the direction of our country for decades to come.

I strongly support our system of representative democracy, whereby electors send their representatives to Parliament to exercise their judgment and then to vote as they think fit, whereas referendums are, as far as I am concerned, direct democracy, where power moves from Parliament to the people. I have to say that I am not a fan of direct democracy or referendums. I much prefer representative democracy, but there are occasions, as occurred on the EU, where it is right that the decision is put straight to the people. There was a precedent for that because, under the Labour Government in 1975, a referendum was called on whether we remained in the Common Market.

Like everybody else in the country, I had to make my mind up as to how I was going to vote in the referendum. On balance, I took the view that it was better for the long-term future of the UK if we left the European Union. My main reasoning for that was that I did not believe that attempts to create a European superstate modelled on America were going to be in the long-term best interests of the people of Europe. I was particularly concerned by the fact that the people of Europe, in all the countries, had never been asked whether they wanted the EU to evolve into a “United States of Europe”. I also did not believe that the EU was capable of reform from within, and that has been shown by the failure of Governments of both parties to reform what even The Guardian calls the “ridiculous” common agricultural policy.

However, if the EU had become a confederation of independent states working together on common issues and sharing best practice, with a small secretariat in Brussels or somewhere else, I would have been more than happy to support it. But that was not going to happen, because the project people were never going to allow it to happen, nor were they going to tell the people of Europe exactly what the ultimate objective of the EU was. It had to be integration by stealth, which I believe has contributed to the rise of populist parties on both the left and right throughout Europe over the last 10 years.

After the result was announced, I made it clear that, now that representative democracy had reasserted itself, I would respect the views of the 66% to 34% majority opinion in my constituency in favour of remain and I would not vote to trigger article 50; that I would press for a meaningful vote on the final deal to be put to Parliament; and that I was not opposed to having another referendum on the finally agreed package, so that the people could make the final decision. Therefore, I did not vote to trigger article 50; I pressed the Government, along with others, to have a meaningful vote on the finally agreed package, which was accepted by the Government; and I added my name to the amendment to the Lords amendment, which was tabled by the right hon. Member for Carshalton and Wallington (Tom Brake) and called for the finally agreed package to be put to another referendum.

All four wards in my constituency of Birmingham Hall Green voted to remain, so I believe that it was incumbent on me as their representative—whatever my personal views—to vote the way that I have, but I respectfully point out to my colleagues on the Labour Benches that 70% of them represent constituencies that voted leave. Six out of 10 Birmingham constituencies voted leave. All the other cities and large towns of the west midlands—Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton—voted leave. I am not convinced that there has been a seismic shift of opinion and that those people would now vote differently.

The finally agreed deal has now been put before the House. From the discussions I have had with my constituents and the representations I have received, I do not believe that it is acceptable to the majority of my constituents, and I will therefore not be voting for it.

Extricating ourselves from the political straitjacket of an embryonic European superstate was never going to be easy, and the Prime Minister and our civil servants deserve credit for their efforts in putting this deal together, but I do not believe that it will command a majority in the House. Unless another option wins majority support, I can see no other way forward but to put the decision back to the people in another referendum. We must be under no illusions—if we do that, it will have profound constitutional repercussions for this country. However, the electorate made the original decision through the direct democracy of the referendum and, if Parliament cannot come to a decision, it is up to the British people to make their choice as to whether they wish us to remain, to leave or to accept the terms put before the House by the Prime Minister.
10.14 pm

Mrs Maria Miller (Basingstoke) (Con): If the contents of this withdrawal agreement had been secured by the then Prime Minister, David Cameron, in 2016, it would have been heralded on both sides of the House as a great success. I think that it is a huge pity that people in Brussels did not take that opportunity more seriously.

As in any negotiation, Members of Parliament have to weigh up the merits of and concerns about every option before us. I voted remain and I fear the impact of leaving the EU not only for business reasons, but for issues of peace and security. However, we have to look for compromises and a way forward. What I have found most disturbing about the debate tonight is the lack of that compromise coming through in Members’ contributions.

Where should that compromise lie? It has to lie where we feel that people wanted us to act as a result of the referendum. What did people want us to do as a result of that vote to leave? Many people voted to remain, but most voted to leave. They voted for a return of control of our borders and an end to the freedom of movement. They voted to stop vast sums of money being sent to the EU. They voted for an end to the European Court of Justice’s jurisdiction in the UK. What nobody voted for is uncertainty in our businesses and threats to our jobs. The sort of threats the hon. Member for Birmingham, Hall Green (Mr Godsiff) has outlined could well be realistic for people working in the manufacturing sector in his constituency.

Mr Jonathan Lord (Woking) (Con): I think this is still there on the official Vote Leave website, but it mentioned being out of the customs union, out of the single market, a comprehensive free trade deal with the EU and free trade deals around the world. So it was there. That was the mandate and that is what the people want us to see through.

Mrs Miller: My hon. Friend has every right to say that. I am saying to him: should we not be looking for a way forward in reality, rather than in the theory of the words set out in a manifesto? We have to look at the reality of what we are dealing with in terms of negotiation. A negotiation cannot happen by one side alone; it has to happen with the second partner as well. I would agree with anybody who has spoken today to say that leaving the EU is inherently risky, but the option before us at least has the detail behind it for us to be able to consider more closely.

How do we move forward? We could take the view of my right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson), who sounded rather like Micawber in saying that something will turn up. I certainly will not be holding my breath. The people we represent would not expect us to enter into something risky as hoping that the EU changes its mind.

We could embrace uncertainty; I am referring to some of the comments made by SNP and Liberal Democrat Members. They talked about no Brexit—remaining in the EU—and perhaps having a second referendum. I believe that that would do very little to enhance democracy in our country and I certainly would not support that. I was pleased to, I think, hear from Labour that it will not be supporting that either.

We could embrace the uncertainty of no deal. I think the catastrophic impact of that is recognised by many people in the House today. I do not believe that there would be a majority in this place for a situation where we have no transitional period in which to forge the trade deals with the EU or beyond, and indeed no protection for EU citizens or for UK citizens living in the EU as a result of having absolutely no deal in place in March.

What is the least risky option and the thing that we should be responsibly advocating? Surely it is what the Prime Minister called “an unprecedented economic relationship” with the EU—the withdrawal agreement that is before us. It is the option that we know most about. It is the option where we actually have details to debate today in the Chamber. As the Prime Minister has set out, it delivers far more than the Canada deal could do and far more than a Norway deal could do. It would mean an end to freedom of movement, an end to the EU Court’s jurisdiction in the UK, a single market and a framework for our future relationship.

I am not going to stand here and say that this is without risk. Of course, there is risk—that is the territory within which we are operating—but a trade deal with the EU has to be something that is of value to our EU neighbours as well as to ourselves. I simply do not buy the argument that we would fall into a backstop as a result of lack of negotiation or lack of technology.

Many of our near European neighbours, such as Switzerland, already operate in a similar way to the way we will operate in Northern Ireland. The technology exists. It is therefore a faux argument, and we will not be prevented from being able to operate in future.

There is much talk of proposed amendments to the agreement. I want the Secretary of State for Exiting the European Union to address that at the end of our immense debates. The Attorney General was extremely clear and helpful yesterday and I applaud him for the time he spent explaining things to Members. He referred to “anything that is incompatible with our obligations under the withdrawal agreement.”

He went on:

“Any amendment to the meaningful vote that would introduce a qualification to our obligations under the agreement would be likely to be viewed by the European Union as a failure to ratify it”—[Official Report, 3 December 2018; Vol. 650, c. 561.]

Does that mean that inserting an end date to the backstop could risk destabilising the only negotiated option on the table for us to view today, or indeed, throughout the five days of this debate? I will not support any amendment unless the Secretary of State can confirm that it would not destabilise the withdrawal agreement.

Leaving the EU is a huge risk for our nation. Everybody knew that when they voted in the referendum. To say that they did not belittle the thought that our constituents put into their vote. I speak as a Member of Parliament whose constituency reflected the national result: 52% voted to leave and 48% voted to remain. It is a democratic decision, but it is still a huge risk. That is why we have a duty to look at the facts. Our constituents expect us to weigh up the risks and act accordingly.

Above all, we have to deal with the situation as it is. Unlike other Members, Ministers are dealing with the hard reality of negotiating with Brussels and of the legal confines within which they have to operate.
Trade-offs are needed, but in going forward we must have a clear plan. That is far less risky than no plan, less risky than rerunning a referendum and far less risky than hoping against hope that the EU has a change of heart. In my four years as a Minister, I never encountered the EU having a change of heart, so I hope that the Secretary of State is not banking on that.

I will support the Government’s withdrawal agreement because I believe that it is in the best interests of not only my constituents in Basingstoke—a major trading part of the south-east of England—but the whole of our country. I hope that more Members, particularly those who were more on the Brexit side of the debate, will now get funding from the EU—including universities, scientists, family farmers, regional funds, cultural organisations and others—will have a clear plan. That is far less risky than no plan, less risky than rerunning a referendum and far less risky than Project Fear. On 14 June, during the campaign, the opponents of being doom mongers and pedlars of “Project Fear”. On 14 June, during the campaign, the Ministers of the Vote Leave campaign wrote in a joint letter:

“There is more than enough money to ensure that those who now get funding from the EU—including universities, scientists, family farmers, regional funds, cultural organisations and others—will continue to do so.”

What else did they promise? Here is a list of things that was on their website and they put out in adverts on YouTube and so on: hundreds of new schools, more primary places in our current schools, more spending on scientific research, more health spending, raised pay for junior doctors, the abolition of prescription charges, the building of new hospitals, maintaining all current spending, more public support for agriculture, new roads, improving railways, expanding regional airports, reversing changes to tax credits, paying state aid to the steel industry, new submarines, protecting research grants and—the old chestnut—pothole repairs. It goes on: lower taxes, lower business taxes, a cut in VAT on fuel, a reduction in council tax—all of this promised on the back of money that we would save from the European Union. Of course, there is the other one that everyone refers to: the £350 million per week for the NHS on the side of the bus.

In June, the Institute for Fiscal Studies said that estimates on EU contributions and the savings that could be made were over-exaggerated. The £350 million is a bogus figure. The institute estimates it to be nearer £170 million. Last month, the Government’s own forecast said that, in 15 years, GDP would be 10.7% lower than if the UK stayed in the EU. The Bank of England said that GDP would be at least 1% higher in five years if the UK had voted to remain. Mark Carney went on to warn about the worst-case scenario, a disorderly no-deal Brexit, where the economy would contract by 8%, house prices would tumble by 30% and interest rates would have to rise to combat inflation.

After the referendum, it did not stop. The chatter continued. In July 2016, soon after he was appointed, the former Brexit Secretary, the right hon. Member for Haltemprice and Howden (Mr Davis), wrote that “within two years, before the negotiation with the EU is likely to be complete, and therefore before anything material has changed, we can negotiate a free trade area massively larger than the EU. Trade deals with the US and China alone will give us a trade area almost twice the size of the EU”.

And then there is the Secretary of State for International Trade and President of the Board of Trade, who famously went on the “Today” programme in July last year and said:

“The free trade agreement that we will have to do with the European Union should be one of the easiest in human history.”

Later that year, in October, he said he would have dozens of international free trade deals within the next 18 months. He went on to say that Britain would simply copy and paste existing EU deals with third countries. That was quite an admission. My constituents who were part of the 52% will ask, “What did we vote for when we voted for Brexit if deals are simply going to be cut and pasted from the European Union to trade deals once we have left the EU?”

We will also need to have trading schedules. If once we leave the European Union we want to trade under World Trade Organisation rules, we will have to have schedules in place. Those schedules will have to be cut and pasted from the EU if we want to start dealing with countries outside the EU immediately after we leave.

The WTO has rules. It recognises us under EU trade deals. If we want to begin trading without any problems, we will have to stick with them. All those who make the argument that leaving is simple have failed to explain the complexities of WTO rules. They ignore, for instance, the most-favoured nation rule, which means that, if we cut our trade tariffs with another country without having a trade deal in place, we have to offer that opportunity to every other single member of the WTO. That would effectively make us a tariff-free nation. We would then be open to cheap imports, undermining jobs and local businesses. The notion that we will be completely free agents if we walk out of the European Union is, and always has been, a complete fabrication. If we do not leave with an EU deal in place, we will not be able to start negotiations to do deals with economies as large as the US, China or India.

I have listened to the arguments, and I have learnt, and it is clear that the Prime Minister’s proposal is the worst of all worlds. She is caught up in her own rhetoric—“Brexit means Brexit”. “No deal is better than a bad deal”—but now we know that no deal is the bad deal. My constituents who voted to leave wanted sovereignty to come back to this Parliament. They wanted to take control of their borders and to stop payments to the European Union, but they did not vote to make themselves worse off. This proposal will be lost in the vote next week. No doubt there will be a vote of confidence, and I and my Opposition colleagues will vote against the Government, but assuming that the Tory allies re-rat, the Prime Minister will then be charged with bringing to the House her plan B within 21 days.
I have added my name to amendments that mean we will get meaningful votes here in this House and that Parliament is taking back control. There is no majority in this House for no deal. The amendment tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve) means that we will get a vote to deliver on that and to stop no deal. So the Prime Minister should stop threatening Members of the House, saying that, if we vote down her deal, it means that we will have to vote for no deal. It is time that we started talking to people about how we take this issue forward. I believe that, eventually, we will have to suspend article 50 and continue negotiations with the European Union.

10.31 pm

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Mercifully, there are no more UK Independence party Members of Parliament in this Chamber, but we have to remember that in the last European Union elections, they won the largest number of seats, and certainly, in our county of Shropshire, they won the most votes when those elections took place. In the debate today, we have not properly referenced the huge numbers of British people who voted for UKIP in the EU elections because of their frustration with the European Union. I consider UKIP to be a very malign, rabidly right-wing organisation and party. Some of their language on migration and immigrants was a real concern to me, particularly being the first ever Polish-born British Member of Parliament and very proud of the extraordinary contribution that 1 million Poles have made to this country.

I am pleased that UKIP is withering on the vine. Today, even Nigel Farage quit UKIP, but I am really concerned about the references that have been made during this debate, in many speeches, to the wish for a second referendum. I am absolutely convinced that if we have another referendum and try to overturn the decision that was taken, this will give wind to UKIP sails and it will be resurrected as a genuine political force.

Many Members of Parliament have spoken about how we will have to spend many years adapting ourselves to our new relationship with the European Union. They are clearly oblivious to the amount of constant work that we have had to do in this Chamber to adapt ourselves to its move towards a supra-national state. There are two issues that I want to address briefly: one is the single currency and the other is the EU army.

There are 19 eurozone countries, but the eight that do not have the euro are contractually obliged so to do. They have no alternative but to join the eurozone, yet the people in these countries do not wish to abandon their currencies. In the Czech Republic, 71% of the electorate do not want the euro. In Sweden, 72% do not, and in Poland, the country of my birth, 62% of the electorate do not want the euro. In Sweden, 72% do not, and in Poland, the country of my birth, 62% of the electorate do not want the euro. In Sweden, 72% do not, and in Poland, the country of my birth, 62% of the electorate do not want the euro. In Sweden, 72% do not, and in Poland, the country of my birth, 62% of the electorate do not want the euro. In Sweden, 72% do not, and in Poland, the country of my birth, 62% of the electorate do not want the euro. In Sweden, 72% do not, and in Poland, the country of my birth, 62% of the electorate do not want the euro. In Sweden, 72% do not, and in Poland, the country of my birth, 62% of the electorate do not want the euro. In Sweden, 72% do not, and in Poland, the country of my birth, 62% of the electorate do not want the euro.

Secondly, there is the European army. I take my daughter, Alexis, to the Polish-Russian border every year for our summer holidays, and I say to her, “Darling, this is the most highly militarised part of Europe, and if the tit-for-tat missile deployments continue at the pace they have been over the last few years, it will be the equivalent of the North and South Korean border.” Despite that, the EU wants to create a single European army that, at best, will duplicate the services of NATO, an organisation that has kept the peace on our continent for 70 years and, at worst, will usurp NATO as the supreme defence posture for the continent of Europe.

Let us not forget that, once we pull out of the EU, there will be six countries committed to the common defence of our continent that are not members of the EU and never will be: America and Britain, two permanent members of the UN Security Council; Canada and Iceland, protecting the Atlantic; Norway, in the extreme north; and Turkey, protecting our southern flank from ISIS and its extremely dangerous moves.

Mr Paterson: Will my hon. Friend confirm, as he knows public opinion in Poland well, that, although we have this idea that it is the EU that has kept the peace, people in Poland know, having escaped from the Soviet empire, that actually it is NATO that has kept the peace in Europe and brought freedom to those eastern countries?

Daniel Kawczynski: Absolutely. I could not agree more with my Shropshire neighbour. Of course, we are relatively safe here on our island. It is those frontline states such as Poland that will really face instability if anything is done to usurp the supremacy of NATO. The Russians understand that NATO is united and strong and that any deviation from that could put countries such as Poland and others at risk.

I have two issues with the withdrawal deal. The first—I look at our DUP colleagues as I say this—is the Northern Ireland backstop. The Attorney General yesterday did not give me sufficient guarantees that Northern Ireland would be protected in the event that the backstop has to be utilised. We owe a debt of honour to the people of Northern Ireland. The hon. Member for North Down (Lady Hermon) said that DUP Members did not represent the whole of Northern Ireland. Well, they are here and they are our interlocutors, and if they are telling us, as the representatives of the people of Northern Ireland, that they have genuine concerns about the backstop, it would be highly irresponsible of us as Unionists to ignore those concerns. The determination of the people of Northern Ireland to remain British in such extraordinary adversity is remarkable. I am very proud of their determination to remain within the United Kingdom. The Attorney General looked at the DUP last night and said, “You have to vote in the interests of the whole United Kingdom.” I have a message for the Attorney General: there is no United Kingdom without Northern Ireland.

I come to my second concern. I asked the Attorney General in a one-hour telephone conversation last week, “What is your legal advice? How much of the £39 billion do we really owe?” and he told me a figure, but he was asked that same question yesterday by my hon. Friend the Member for Shipley (Philip Davies), he said the figure was too difficult to calculate. Again, I asked...
the Prime Minister this afternoon for assurances, but she did not give me a clear answer. What really concerns me is that while in Shropshire we are facing shortages for our local schools and hospitals, we are, under this agreement, likely to hand over another £39 billion of British taxpayers’ money to the EU in return for the possibility of a treaty further down the line. That is simply unacceptable.

This week Mr Macron has threatened to block a trade deal with Mercosur that has been discussed over the last eight years because the new Brazilian President, Mr Bolsonaro, has pledged to pull out of the Paris climate agreement. Members should think about what would happen to the Conservative party if we handed over £39 billion, and two, three or four years on, there was still no trade agreement. That would be devastating for our party, and devastating for our country. As things stand, I will find it extremely difficult, if not impossible, to support the withdrawal agreement.

10.40 pm

Douglas Chapman (Dunfermline and West Fife) (SNP): Many people throughout the United Kingdom are very excited about Brexit. They know about the blue passports that they will be able to hold and about the new Brexit 50p coin, and the prospect of Empire 2.0 is coming to the fore. However, the more people learn about the Brexit process, the more they are realising that we will lose more than we could possibly ever gain. In my constituency, 60% of people voted to remain in the EU, and recent polls have shown that the proportion of remain supporters has increased to 68% or 69%. I think that as people in Scotland become aware of the real impact on their lives and jobs, there will be a hardening of the pro-EU vote.

I want to focus, however, on the impact of the UK’s leaving the EU on the important areas of defence and security. In my view, the Government have drastically underestimated the negative consequences of Brexit for our ability to maintain safety and security in the UK without the full co-operation of our European counterparts and the capability of our defence industries to trade and operate freely across the single market. We have a strong, competitive defence industry here in the UK. Firms such as Babcock, BAE Systems and Rolls-Royce have successfully fulfilled Ministry of Defence orders for years, and even more newer companies are coming into the work stream. Those firms, like many others, have built up a valuable breadth of expertise and capability, and we should be doing all that we can to preserve their skills.

While the withdrawal agreement offers short-term stability to the defence industry, it provides no assurances in the long term to ensure that just-in-time supply chains and trading arrangements across the EU will be maintained. We must also consider the support that is currently given to the industry, particularly to small and medium-sized enterprises, in the form of European structural and investment funds and the European Investment Bank. The Government must commit themselves to continuing or replacing that support. Without it, we face further job losses in dockyards like Rosyth in my constituency and the gradual depletion of those skills from our industrial landscape. That would be an economic travesty, which I am sure neither Members nor our constituents wish to see.

In a report published in March entitled “Ministry of Defence: Acquisition and support of defence equipment”, the Public Accounts Committee said:

“The Department needs...to safeguard the interests of British industry after we have left the European Union.”

The Government have been warned time and again that they must protect our defence sector from the economic calamity of leaving the EU, and I urge the Prime Minister and the Ministers who are on the Front Bench tonight to take heed before it is too late.

Yesterday, as a member of the Public Accounts Committee, I co-led an evidence session with witnesses from the Ministry of Defence on the defence equipment plan for the next 10 years. The National Audit Office reports that the plan remains unaffordable, and the MOD itself admits that there is a black hole of between £7 billion and £14.8 billion black in its budget. Why is that affected by Brexit? We have established that, even under the Prime Minister’s deal, the UK will be worse off than it is with the current arrangements, and the Government themselves accept that. Almost every economic commentator who has produced anything of note also recognises that the public finances of UK plc will be in a much worse state beyond Brexit than they are at present. So given that the MOD is already struggling to realise its ambitions with the current budget, how will it cope with another blow to the economy when we leave the EU, especially under a no-deal scenario, and that is even before we start going anywhere near possible negative currency implications? With question marks already hanging over where the axe will fall in the equipment plan to bring it into balance, the Brexit situation puts at risk our defence capability.

Much has been said about our fishing industry, but what has been missing most in those discussions is a focus on securing our waters post Brexit. In particular, the north Atlantic is of key strategic importance, not only to safeguard fisheries and our oil and gas reserves and renewables, but to protect us from external threats.

The MOD currently has a total of 19 Royal Navy escort ships, which is an historical low, while there are three Type 26 frigates on order at BAE Systems in the Clyde. That gives us nowhere near enough vessels to adequately protect our waters.

Another area of huge importance in defence is research and development. As a member of the EU, we currently benefit from numerous opportunities for collaborative research with our European partners through bodies such as the European Defence Agency. I recognise that it is possible for non-EU countries to participate in EDA projects, and I urge the UK Government to ensure provision is made to retain as much access as possible to these and to other defence funds as they become available.

One such project is Operation Atalanta, the highly successful EU-led anti-piracy operation off the horn of Africa in which the UK has played a leading role. At the height of Somali piracy in 2011, 736 hostages and 32 ships were being held by pirates. By April 2017, that number had fallen to zero. This demonstrates the value of joint EU efforts to tackle global security threats, and we must continue to be a part of those efforts.

The Galileo satellite system is another collaborative project that the UK is at risk of being excluded from as a result of Brexit. While the Government have put
forward proposals for continued participation in Galileo as part of the wider security relationship, there is no guarantee they will be accepted.

With the Prime Minister putting forward the prospect of either this deal or no deal, Brexit will leave the UK exposed to a multitude of threats to our defence and security industry. In a recent article, Malcolm Chalmers, deputy director-general of the Royal United Services Institute, suggested:

“In security terms, the full benefits of membership—combining both shared decision-making and operational effectiveness—cannot be replicated under the proposed deal.”

He goes on to say:

“If the UK were to leave the EU without a deal, it would have severe and immediate consequences for the UK’s ability to combat crime and terrorism.”

On a recent visit to Culross, Torryburn and St Margaret’s primary schools, I discussed Brexit at length with the 12 and 13-year-olds there. It is perhaps a cruel irony primary schools, I discussed Brexit at length with the 12 and 13-year-olds there. It is perhaps a cruel irony primary schools, I discussed Brexit at length with the 12 and 13-year-olds there. It is perhaps a cruel irony primary schools, I discussed Brexit at length with the 12 and 13-year-olds there. It is perhaps a cruel irony primary schools, I discussed Brexit at length with the 12 and 13-year-olds there. It is perhaps a cruel irony primary schools, I discussed Brexit at length with the 12 and 13-year-olds there. It is perhaps a cruel irony

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Mr Edward Vaizey (Wantage) (Con): I am grateful for the chance to take part in this important debate. It is a common theme at the moment to praise the Prime Minister’s resilience, but may I take a moment to praise your resilience, Mr Speaker? When this debate concludes you will have been in the Chair for about 13 and a half hours listening to a combination of highfalutin rhetoric and complete drivel; I will leave the House to conclude what Members are going to hear for the next eight minutes. In the time that you have been in the Chair, Mr Speaker, you could have travelled to Paris and back on multiple occasions and probably could have flown to Gibraltar and back on multiple occasions, which emphasises how close Europe remains, despite the fact that we are leaving the EU.

I said in an earlier intervention that I have come to my own conclusion that it is right to back the withdrawal agreement. I came to that conclusion all by myself. No one gave me a knighthood; no one offered me a job. I looked at what the best solution was for the United Kingdom and Brexit, and I think supporting the withdrawal agreement is the right solution.

Let me just deal with one piece of homework. I praise the Department for Business, Energy and Industrial Strategy, because I see our continued relationship with Euratom as a very important issue. We are leaving Euratom, and in Culham—just outside my constituency—we lead the world in nuclear fusion research. I am delighted to say that almost all the relationships we had under Euratom will be replicated through a series of bilateral agreements and legislation.

I also praise something else that perhaps does not get enough praise, the inanimate object of the civil service, made up of many animate objects. The civil service has worked tirelessly for the past two and half years to put in place the measures we will need for a successful Brexit, and too often the thanks it gets from certain parts of the Chamber is to be traduced, slagged off, insulted and dragged into some absurd conspiracy theory. In my time as a Minister I never met any civil servants except ones who worked hard, were strictly neutral and did the bidding of their Ministers.

Let me also speak briefly about the importance of the creative industries. Although I will back the withdrawal agreement, I remain concerned that too many issues that affect those industries—the most successful part of our economy—have not been covered. Notably, they are the future of free movement, which is very important, as there are many freelance workers in the creative industries; the future of copyright; our ability to have international broadcasters based in the UK who can broadcast throughout Europe; and digital transfer.

Daniel Kawczynski: Will my right hon. Friend give way?

Mr Vaizey: I give way to the tallest Pole in the Chamber.

Daniel Kawczynski: Can my right hon. Friend tell me, in hindsight, what were the biggest mistakes made by his close friend and neighbour, David Cameron, in the run-up to the referendum, during it and after?

Mr Vaizey: I have only got six minutes, but his biggest mistake was not to win the referendum, which I wished we had done on behalf of my constituents, who voted to remain. In the last few hours, I have had more than 200 emails calling for a second referendum from my constituents, and I shall disappoint them in not endorsing that call. Although I was trolled heavily by ultra-remainers a few weeks ago, all of whom seemed to be quoting Burke, I remain a representative and not a delegate. I know my own mind and what the way forward is for Brexit—the withdrawal agreement. Too many people do not seem to realise that this is a two-stage process. We have to leave the European Union before we negotiate our close trading relationship with it, of which the political declaration is a part.

My right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson) said that too many people think that Brexit is a disaster to be managed, but we are separating from a 45-year relationship. Of course it has to be managed: we cannot simply walk away. Sadly, it has fallen to the remainers to manage it. We had a Brexit Foreign Secretary who walked away. We had a Brexit Brexit Secretary who walked away, and we had another Brexit Brexit Secretary who walked away. The thing that annoys me most about those people who fled the scene is their continued claim that somehow they represent the purity of Brexit. Well, we have a Brexit Environment Secretary who is happy with the withdrawal agreement. We have a Brexit Leader of the House who is happy with the withdrawal agreement, and a Brexit International Trade Secretary, with whom I work as a trade envoy and who is doing a great job, who is happy with the withdrawal agreement.

The trouble for the pure Brexiters—the wreckers, the people who ironically will bring down Brexit with their pathetic behaviour on the withdrawal agreement—is of course that no one had a specific view of Brexit and it has been left to the House to work it out and vote for what it thinks is right. I will support a withdrawal agreement that secures citizens’ rights, that does not
leave us as a vassal state, that has a backstop that keeps Northern Ireland part of the United Kingdom, and that—unfortunately for me—restricts freedom of movement. I am a huge fan of freedom of movement, but if people think that that is what people voted for with Brexit, so be it.

Mr Lord: Will my right hon. Friend reflect on the fact that had the Prime Minister put a Brexiteer—as he calls them—fully in charge of Brexit, whatever deal came back would perhaps have more support in the country among the 17.4 million who voted leave and the leavers and Brexiteers in the Chamber as well? Brexiteers should have been made to own Brexit, because we think that we might have done a slightly better job of it.

Mr Vaizey: I do not think the Brexiteers would have done that. Too many Brexiteers fantasised about what Brexit would look like without confronting the cold reality. I slightly wish that the Prime Minister had done that, however. As it is, she has given the Brexiteers a get-out clause. They will all complain about the withdrawal agreement not being good enough, and if we crash out with no deal, they will all say that nobody prepared for that. Nothing is ever the Brexiteers’ fault and no solution is ever put forward by them. The Department for International Trade, the Foreign Office and the Brexit Department are three pretty big Departments, and I would have thought that they, along with the Prime Minister—whom the Brexiteers elected, by the way—would allow the Brexiteers to deliver the Brexit that they pretended they wanted.

Another thing that has annoyed me about this whole process is the sudden rising up of free trade deals that can be done overnight without any concern about how the public might react when we do deals with huge economies such as China, the US and India.

There is also the ridiculous confrontational language. I know I have been guilty of it in this speech, but I am worked up at the moment. The ex-Foreign Secretary was talking about the EU deciding to let us go, but the EU is now desperate for us to go. What people do not understand about the backstop is that we will now have to have our cake and eat it, to coin a phrase. We will have access to the European Union single market without paying in and we will have a restriction on freedom of movement. This is not part of a plot to turn us into a vassal state. That outer core could still have all the benefits of that relationship without the fear of being subsumed into a superstate. That withdrawal agreement is potentially a step forward, but after months of hard technical work and with the prize within our sights, what happens? Of course the hard Brexiteers come out and try to tear the whole thing down. Well, try—and see if you get your Brexit.

10.59 pm

Lilian Greenwood (Nottingham South) (Lab): Twenty-two months ago, I sat in this Chamber listening to arguments from both sides of the House about the triggering of article 50. It was a difficult decision, but I voted against that motion at the conclusion of the debate, because I was not convinced that the Government had a proper plan for Brexit. I take no satisfaction in being proved right. The Prime Minister’s failure to unite the country, focusing instead on trying to satisfy the warring factions in her own party, is a terrible failure of leadership just when our disunited kingdom really needed that leadership.

At the 2017 general election, I reassured my constituents that, while I respected the referendum result, I would not give any Prime Minister a blank cheque. I promised to stand up for my constituents and fight for the best deal for Nottingham South—one that would not leave them worse off, less secure at work and with fewer opportunities in the future. This deal does not deliver on those promises. Conservative Members remain bitterly divided about what kind of Brexit they want. They have failed to build a consensus within their party, within Parliament and within the country. They have not listened, and the people whom I represent, particularly those on low incomes, are likely to suffer most if we leave the EU on the Prime Minister’s terms.
As UN special rapporteur Philip Alston warned two weeks ago in his report on extreme poverty and human rights, the lowest paid will bear the brunt of the economic fallout from Brexit. My constituents were promised “the sunlit uplands”, hundreds of millions of pounds every week for our NHS, the easiest trade deal ever, taking back control of our borders and a return to sovereignty. We now know what the reality looks like. As the Chancellor admitted, our country will be worse off under all Brexit scenarios. Far from delivering more money for schools, to tackle poverty and for our NHS, we will all be poorer, with fewer opportunities, and our public services will suffer. They did not put that on the side of a bus.

The deal that the Prime Minister has reached satisfies no one and seems increasingly unlikely to command a majority in this House, and yet she is in complete denial. She has repeatedly refused to explain what she will do when her deal is defeated. That is utterly reckless, putting the future of my constituents and our country at risk.

I intend to vote against this deal because it fails to protect the interests of the people, the businesses and the city that I represent. Nottingham South is home to two world-class universities. They are vital to our city’s success and matter deeply to the thousands of students and staff I represent. The University of Nottingham told me that the “impact of the decision to leave the EU has already had negative implications for the University. We have noticed a decline in student numbers at postgraduate level. EU staff report feelings of demotivation and alienation in a country they have chosen to call home and have made a massive contribution towards. We have noticed a number of examples where industry collaborators have put investment into joint R&D programmes on hold or have cancelled them. If the UK’s participation and status in the Horizon Europe scientific research programme isn’t confirmed in time, then there is a significant risk that we and the major businesses and SMEs that work with us will be locked out of the major part of this programme going forwards.”

It is not only our universities that are threatened. The Nottingham University Hospitals NHS Trust recently published reports on the impact that Brexit will have both on its staff and on the supply of medicines. Thanks to this Government’s cuts to nurse training bursaries and the failure to value NHS staff, we have a recruitment crisis. Non-British EU staff make up 690 staff, including 214 nurses and midwives. These are people we desperately want and need working in our NHS but, as reported in the Nottingham Post yesterday, despite immediate reassurances issued by the trust following the referendum, these EU citizens “feel that they have been forgotten and are unsettled and anxious because of the uncertainty of their employment due to Brexit.”

It is no wonder when they are characterised as “queue jumpers”. The trust also reports that a no-deal Brexit may affect the timely supply of goods, services and medicines, which could disrupt health and social care services.

Businesses across Nottingham, in both manufacturing and services, are equally worried about recruiting skilled staff, about their supply chains and about access to markets. This is not what my leave-voting constituents were promised. Here is what one of my constituents from the Clifton estate says:

“We are headed for a Brexit that nobody voted for...a million miles away from what was promised in 2016. It threatens jobs, businesses and hospitals here in our constituency; it will mean no end to austerity for years to come...it will do nothing to deal with...the real challenges facing our local area. In fact, it will make dealing with those problems harder.”

The answer to those challenges is a Labour Government who are determined to tackle the poverty, insecurity and fear that drove so many of my constituents to vote leave. A general election would give people a real opportunity to have their say, not only on this bad deal but on this bad Government, but if we cannot have an election, maybe it is time to ask the people what they think. Parliament does not support this deal, and Parliament will not support a catastrophic no deal. If the Prime Minister will not listen to Parliament, maybe it is time to listen to the people.

11.6 pm

Derek Thomas (St Ives) (Con): I appreciate the opportunity to speak at the beginning of this important five-day debate.

My right hon. Friend the Member for Wantage (Mr Vaizey) said that Brexit is often what has been promised, if only we were doing it properly. I agree with that. Looking back, there are many regrets that we should all share. One is that we in this House have not worked together. We might have differences behind closed doors, but we have not worked together to show leadership to the nation and to do the best we can to deliver the result of the 2016 referendum for the British public and for those in Northern Ireland.

We have done untold damage to the sense of security of people whose natural home is not the UK and who no longer feel welcome. I have met several such people in my constituency, and I regret that they were ever allowed to feel unwelcome. I also regret that, even now, we have not truly clarified for our farmers, for our health and social workers, for those in hospitality and for the many in permanent, so-called unskilled jobs whether they can still come and work freely in the UK. It is important we correct that concern.

When it comes to doing Brexit properly, I believe that the Prime Minister’s Lancaster House speech of 17 January 2017 was doing Brexit properly. It reassured me that we were heading in the right direction and with the right priorities. It accepted that we could not get all we wanted but that we could get some common agreement across both sides of the argument and with Brussels.

The problem is that the proposed agreement we heard about in the statement two weeks ago is quite removed from the Lancaster House speech and other speeches. The Attorney General says that there is no unilateral right for either party to terminate the backstop arrangement, or the protocol as it is described in the legal advice. That is a great concern because it says that it is not in the United Kingdom’s hands to determine when it actually leaves the EU, which is exactly what people thought they were voting for in 2016.

I listened to the Prime Minister’s statement two weeks ago, and I was left with four concerns, which I have raised with the Attorney General—I am also meeting him tomorrow—and they rest with me. I am pleased for fishermen in my constituency that we are leaving the common fisheries policy, but it is not clear that this will lead to UK control of access to UK waters. No fisherman
believes that we will not allow foreign fishermen to come into UK waters, but our fishermen believe that we should be the ones who decide when they do, where they do, what they catch and where they land it. I can see nothing in the withdrawal agreement that confirms that that will be the case. If we can address that issue, my local fishermen will be satisfied.

There is also a real risk to the integrity of the Union. I am clear that no part of this agreement should treat any part of the UK differently, and I will be looking for assurance from the Attorney General tomorrow that is the case. Unfortunately, as my right hon. Friend the Member for North Shropshire (Mr Paterson) made clear, the belief is that parts of the UK will be treated differently—obviously, I am referring to Northern Ireland—and this really matters. People in Cornwall, who are proudly nationalist and believe in the integrity of Cornwall, also believe in the integrity of the UK, and they are as concerned as we are to see that Northern Ireland should not be treated differently.

We were also promised control of our own laws. What we would like to know is: when? When will the UK become a sovereign independent state, where we will be making our own rules and not be a rule taker? Is that at the end of the transition period or at the end of the backstop protocol time? It is important that we know the answer, because we do not know when that protocol will come to an end. I have been attending monthly international trade briefings and listening to people talking about what work has been done to begin conversations on trade deals. I have listened to the Prime Minister and others saying that we can strike new trade deals, but the reality is that although we can strike them and agree them, they cannot be implemented until we leave the EU properly. Is that at the end of the implementation period or at the end of the backstop?

I have no desire whatsoever to see further uncertainty. There are businesses in my constituency and right across the UK that really need to know what the future holds for them, and they want to know soon. I have no desire to prolong the agony and anxiety that many, many face, but we have a narrow opportunity, a narrow window, in which to get this right. I believe that we can get it right first time and that the vast majority in this House would support the deal if we could address the backstop, even if it meant having to consider a longer implementation period.

11.12 pm

Chi Onwurah (Newcastle upon Tyne Central) (Lab): This is often described as the most important decision this House has taken since the second world war, so it is an even greater privilege then usual to speak in tonight’s debate. In making my remarks, I will try to be less divisive than the times in which we find ourselves, because these are very divisive times. Newcastle reflects that: we voted 49.3% to leave and 50.7% to remain. We have started measuring the diversity, division and commonality of the UK. When taking the metro from Newcastle airport to Byker, people travel through a reduction of 11 years in the average lifespan of those living nearby. The north-east is the only region to export more than it imports, and 52% of that goes to the EU as part of highly integrated, just-in-time supply chains. So we have stark inequalities and a regional economy integrated into Europe, but still we have strong remainers and committed Brexiteers. How am I to represent that?

We have to start with the most important thing about Brexit: what it tells us about our nation. The fact is that the Brexit voters won more than the Brexit vote: they won the right to be heard. Before Brexit, few were paying much attention to the views of people in council estates such as the one where I grew up: they had not gone to the right schools, and did not have the right jobs or the right vowels. The Brexit vote caught people’s attention, and let me give one example of that. As shadow Minister for industrial strategy, I meet industry groups and lobbyists all the time. Before Brexit, they told me how much they contributed to the country, but they meant London. Now they tell me how much they contribute to the regions. They have started measuring it. That is the Brexit effect.

The right to be heard is a key battleground in the history of our country, and it is at the heart of the age-old division between those who labour in silence and those who speak from a gilded platform. We must recognise that, despite its many well-intentioned people, the European Union did not appear as a champion of the voiceless. I am vice-president of the Party of European Socialists, and I acknowledge that although European socialists have been responsible for hugely important achievements, from the social chapter to protecting the environment to ending mobile data roaming charges, Brussels never felt like a stronghold of socialists standing up for the voiceless—and that was before the financial crisis and the gospel of austerity championed in Brussels, even if its most enthusiastic choir was in David Cameron’s Government.

Immigration is often cited as the key issue of the Brexit vote, and it is certainly one that was talked about very much on the doorstep. Labour has recognised that leaving the European Union means that free movement as it stands will come to an end, but I do not believe that that will make anyone here more prosperous or their jobs more secure. As an engineer, I worked all over the world, not taking other people’s jobs but meeting skills needs and contributing to other cultures. I believe that, like sustainable trade, the right kind of skills exchange makes everyone richer. As shadow Minister for industrial strategy, I know that it was not immigration that betrayed the working people of Britain, but the laissez-faire economics that privileged the rich and the well connected. I will not support the further betrayal of my constituents by a Brexit deal that sacrifices their future prosperity for outdated and outmoded ideology, which is what the Prime Minister’s deal would do.

British industry is integrated with Europe: we are part of supply chains that go back and forth across the North sea and the channel multiple times. These European supply chains cannot be replaced by American or African or Australian ones—the logistics and the costs are just too high. As an engineer, I know the challenges involved in creating proper, effective supply chains, and they cannot go backwards and forward across the Atlantic in the same way they do across the channel. The promises of the posh and privileged, who promised the world while hedging their own not inconsiderable assets, have misled people.

This deal dumps our industry out of the customs union within 24 months. It introduces barriers to our trade in services and creates legal uncertainty and regulatory mismatches with Europe. It undermines our science and innovation base and cuts off access to key talent. It therefore
endangers our core industrial competitiveness and threatens the future of British industry and, as a consequence, the economic, physical and mental wellbeing of communities throughout the country, and especially my constituents.

I do not accept that the nation should be voiceless when it comes to what the deal is, so I will not accept that it is a choice between this deal and no deal. Only a general election can address the issues that drove the Brexit vote, and this Government, which is in office but not in power, should go to the country to set out their stall. If they are too scared, we should go back to the country in a public vote—one that I hope would include the voices of 16-year-olds.

The next few weeks—indeed, the next few days—are going to be very difficult for this country. No matter what the result of the vote next Tuesday, we will enter a period of uncertainty about both our short-term and long-term future and relationship with the European Union. Whatever that uncertainty brings and whatever debates follow on from that, I will insist that the interests of the people who sent me to Parliament, our values, our solidarity, our commitment to social justice and a more prosperous future, define not only the United Kingdom’s future, but the future of our relationship with Europe.

11.19 pm

Ben Bradley (Mansfield) (Con): It is unfortunate that I rise to speak against the approval of this withdrawal agreement, which does not represent the best deal for the United Kingdom or fulfill the spirit of the referendum result. It ties us to EU rules and regulations for the long term while removing our ability to influence those rules. It ties us to a backstop arrangement that would create different circumstances for Northern Ireland compared with the rest of the UK and that we cannot leave of our own volition. It ties our hands to prevent us taking advantage of the full extent of independence over our international trade policy. For that reason, I feel that it is worst of all worlds; it is a state of purgatory, which, as the Attorney General made clear yesterday, has no fixed end point.

In her Lancaster House speech, the Prime Minister was clear: she said simply that we would seek to negotiate a bold and ambitious free trade deal with Europe that would also give us the ability to strike out around the world. She was honest with us, and did not pretend that this would have all the same benefits of full membership. We were leaving so things would have to be different, but we could still have a positive relationship built around free trade. She aimed to take back control of our money, our borders and our laws. She was quite right that those were at the heart of why people voted to leave. She said that no deal was better than a bad deal, and that if the EU would not give us something that would change, that it would be a different and a looser one, and that it would give us the freedoms that we wanted. At that time, I am fairly certain—and the votes back it up—that she had the support of the majority in this House for that kind of deal.

I draw the comparison, an overly simplistic one perhaps, between the referendum and a game of cards—a choice between stick or twist. Voters knew, and they were told each and every day throughout that campaign, of the risks of voting to leave. They were told all the horror stories. Things were blown out of proportion, just as they are now, but they voted to leave anyway, because the status quo does not work for them. In the choice of stick or twist, they opted for twist, recognising the consequences and the uncertainty, but wanting to take that risk in order to seek new and different opportunities. Having ticked a few boxes that looked a bit like leaving, they did not want to try to replicate the status quo; they wanted change, because they felt that the status quo did not work for them. We cannot deliver an outcome that respects the “spirit” of the referendum result if we remain tied, possibly indefinitely, to the institution that we promised to leave and if we compromise on all the things that mattered in that decision. It cannot be boiled down to a spreadsheet with data on economic forecasts; the decision was so much bigger than that. It was about the heart as well as the head; the outcome was for change.

Lilian Greenwood: I am listening with interest to one of my Nottinghamshire neighbours. When the hon. Gentleman’s constituents voted to leave, does he think that they voted to be poorer, because we have heard that every Brexit scenario will leave people in Nottinghamshire poorer?

Ben Bradley: I thank the hon. Lady for her intervention. People did not see it in those terms. Part of the fundamental misunderstanding of the Government and of this House is that people saw it solely as an economic transaction. As I have just said, it was about more than that. Despite the forecasts and the doom and gloom that is discussed in this place and in the media, the vast majority of people who come to me—75% in local polling—say “Reject this deal and seek a looser relationship.”
Mr Paterson: Thinking about the previous intervention, does my hon. Friend agree that his constituents and mine were very sensible and completely ignored these ludicrous forecasts, which are all part of “Project Fear”? Our constituents have been bombarded with further utter nonsense forecasts this week, but they do not believe them; they see real opportunities for this country when we get our freedom back.

Ben Bradley: I totally agree. The more obscure these forecasts become, the less they are believed. My favourite was that we are all going to get super-gonorrohia if we leave the European Union. This week, the story is that babies will die through milk shortage because of leaving the European Union. These are the stories that exist in the media, and people out there give them no credence or credibility. It was interesting to hear my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) making many similar arguments earlier today. However, I would argue that the right conclusion is not a second referendum; it is to deliver on what we promised.

It is right that people are sick of this debate and want to get it done, but this proposal does not allow us to do that. Instead, the debate rolls on for another year or 18 months as we try to agree a future relationship. It offers little certainty to business and almost guarantees that we will be back here again in 2020, having an equally divisive and difficult debate. As it stands, the withdrawal agreement does not end the problem—far from it. The only way to truly get it done, put it in the rear-view mirror and get on with talking about a positive domestic agenda, which Opposition Members have mentioned, is to accept that we cannot agree on a specific deal. Then we can go back and talk to the European Union about how to agree on all the things that we can actually agree on, including issues such as citizens’ rights, security, travel and all the rest, and carefully manage a transition to World Trade Organisation terms.

The only way to have certainty at this point is to have a clean break. I would prefer us to seek a more positive free trade arrangement first and to be strong in that approach, because that is what we promised in our manifesto and at Lancaster House, but we should not fear leaving on the same terms that govern 98% of global trade. It may be true that better relationships can be agreed further down the line, with or without this withdrawal agreement, but our hand is most certainly strengthened by being true to the mantra laid out in the Lancaster House speech—that no deal is better than a bad deal—rather than being held over a barrel throughout the coming year and being threatened with this backstop arrangement, as President Macron has already told us he will do.

After months of saying that it could not be done and it was impossible, the withdrawal agreement accepts in black and white that the Irish border situation can be resolved through technological solutions. It is a political problem, not a practical one, and again, we are better prepared for that debate if we leave and come at it from a position of strength.

The World Trade Organisation has been clear that its rules would not require a hard border, and HMRC on both sides has said the same. If the barrier to achieving this is a political one and the Prime Minister is right that there is no deal without the backstop, we have to take charge of that debate in the interests of the whole UK, put ourselves in the driving seat and say, “This is not acceptable, so how do we handle that no deal scenario, because we are not going to agree to something that is detrimental to the United Kingdom?” That is the only way to force the issue that currently dictates this entire arrangement, which has always been built around the problem, rather than around the positive outcomes that we all want to see. As my right hon. Friend the Member for North Shropshire (Mr Paterson), who has great experience of this issue, said earlier, customs has moved on. We have to embrace that, as does the EU.

This is a divisive issue and reaction is of course mixed. I have had constituents ask me to support the deal and to support remaining, but as I said to the hon. Member for Nottingham South (Lilian Greenwood), the overwhelming majority of my constituents—collaring me in the street, answering me on social media or writing to me—want us to be stronger and to agree a looser arrangement with the European Union that gives us the freedom that they sought.

We have to start from the premise that we are a free and independent nation seeking a trade deal with Europe as we laid out at Lancaster House, not from the position of seeking continuity with our existing arrangements as this agreement does. If we do that, and if we truly take back control and deliver on the referendum result, we would restore the brittle faith in democracy that led to that outcome in the first place. It would prove to people in constituencies like mine that the Government do listen and act on their decisions, and that they do have a voice. Brexit presents a huge opportunity to give people who have felt forgotten for a long time a chance to believe in government and to believe in a country that is proud, independent and embracing new opportunities across the whole world, but I regret that this withdrawal agreement cannot deliver that outcome.

11.29 pm

Caroline Lucas (Brighton, Pavilion) (Green): This debate goes to the very essence of what we want to be as a country—confident, compassionate and outward-facing, or fearful, inward-looking and isolated. All the major challenges that we face today—the climate crisis, terrorism, the refugee crisis, cyber-crime—are trans-boundary, and so all of them would be far harder to address if we leave the EU. I therefore stand by my decision to campaign to remain in 2016, and still believe that the future will be brighter, fairer and greener inside the European Union.

I also stand by my vote against the Prime Minister’s foolish decision to trigger article 50 before she and her Cabinet had even worked out what “Brexit means Brexit” actually does mean. At a stroke, that recklessness surrendered all leverage to the EU27, and it has resulted in the miserable, blindfold package that we have before us today, with its 26-page, 8,000-word wish list guaranteeing absolutely nothing about our future relationship with the EU. The Prime Minister urges us to “get on with it”, as if accepting her plan would be the end of it, but let us be very clear: in reality, it is the starting gun for years of more negotiations and more political infighting, with uncertainty hard-wired into it.

Over the past two years, I have not seen any evidence that the Government understand or appreciate the importance of many of the amendments that many of us tried to make to the EU (Withdrawal) Bill, whether
to do with upholding basic legal rights, trying to safeguard jobs, protecting freedom of movement and the Good Friday agreement, or enhancing the protection of our precious environment. Indeed, all the evidence I have seen, including the Government’s own impact assessments, has simply confirmed to me that Brexit would make my poorer constituents, and the nation’s poorest communities, poorer still. It would lead to a smaller Britain with less influence: borders closed, horizons narrowed. It would betray the hopes and dreams of young people, who overwhelmingly voted to remain. It is an unforgivable act of inter-generational betrayal. It puts our contribution to vital cross-border work on climate change and nature in jeopardy. It sees us abandoning what is frankly little short of a miracle that few would have dreamed possible when the bombs were raining down on British towns and cities in the middle of the last century. It helped us to emerge from the rubble and the destruction of the second world war into a nation that has been at peace with its neighbours ever since. With a supreme irony, the Prime Minister’s package would also result in people having considerably less control over the decisions that affect their lives, not more.

In recent days, the Prime Minister has been admonishing MPs to think of our constituents when we vote on this deal. Well, I can assure her that I have been doing—and we have been doing—exactly that. I think of my Brighton constituents when I consider that every single economic impact analysis shows them being worse off as a result of any kind of Brexit. I think of them when I learn of a study by the local UK Trade Policy Observatory that concludes that her deal would cost at least 960 of them their jobs. I think of them when the leisure sector in the city reports how seriously it would be affected by the end of free movement. I think of them when the universities tell me how worried they are about the future of European research, their research grants, and the Horizon Europe programme. How does the Prime Minister have the gall to suggest that MPs are not thinking of our constituents to unite behind her deal when she knows how much damage that deal will do to them and to their families?

For more than two years now, I have consistently said that the 2016 referendum was, and could only be, the start, not the end, of the democratic process. In 2016, voters could not, and did not, express any opinion on the terms on which the UK should leave the EU, because at that time the terms were completely unknown. That is why I believe the outcome of the negotiations must now be put before the public in a people’s vote. That people’s vote must give the option of remaining inside the EU, which every recent poll shows to be what a clear majority of voters now want. This is not about subverting democracy or seeking to overturn the referendum result; it is simply giving voters a proper say on important issues that were not put before them in 2016.

If it is still the will of the people to leave the EU in the light of what they know now, then that is what they will vote for in the people’s vote. But if they decide that it would be better to stay in the EU, and reject the Prime Minister’s deal, then the UK could continue as a member of the EU on the same terms as now, as the opinion from the Scottish courts has underlined today. I would put it to the Prime Minister that the will of the people is not fixed in stone. As she learnt to her cost last June, it can change and it does change. There were 25 months between the general elections of 2015 and 2017. Those 25 months were enough time for the Prime Minister to lose her majority, her mandate and her credibility. A longer time has elapsed—29 months—between the referendum of June 2016 and today. Every recent opinion poll shows that the will of the people has changed since then as well.

Brexit and the lies, false promises and cheating of the leave campaign in 2016 have unleashed forces that should worry us all, so I take seriously the charge that a people’s vote could risk yet more division. But I have thought about this clearly, and I believe that nothing would be more divisive than the people of this country discovering the hard way that the Prime Minister’s blindfold Brexit does not deliver the sunlit uplands that they were promised.

I want to say clearly that a people’s vote is not about putting the clock back to 22 June 2016 or pretending that the last two years somehow never happened. Those Brexit voters who voted to leave because they believed the status quo is intolerable were right—it is. We are a country of grotesque inequalities. Far too many people are living in communities with proud histories that have been hollowed out by years of deindustrialisation and decades of neglect, compounded since 2010 by an ideologically driven assault on national and local public services under the name of austerity. Economic vitality has been drained from their neighbourhoods, and many feel hopeless and trapped.

Last year’s Social Mobility Commission report identified the 30 worst coldspots for social mobility, and it is no coincidence that every single one of those 30 places voted to leave. The lie at the heart of the leave campaign was that this downward spiral can be reversed by leaving the EU. The truth is that Brexit would make things much harder to fix, and we know that the real answer lies in far-reaching reform at home. We need a new social contract—better jobs, high-quality public services and investment in the green economy, with people of all backgrounds and communities treated with respect and given the opportunity and power to thrive. We need to ensure that the net economic benefit that people from the EU bring to this country is spent in those areas that experience the largest changes, on projects collectively decided by local people.

Those of us campaigning for a people’s vote need to make clear our commitment to addressing the grievances aired during and since the 2016 referendum, to campaigning for far greater public investment in those regions that need it most and to working towards a Britain where people have a real say in the decisions that affect them.

In my last few words, I simply want to say that I reject the false choice presented by the Prime Minister between a catastrophic no deal and her miserable blindfold deal. That is no choice at all, and that is why we need a people’s vote.

11.37 pm

Rachel Maclean (Redditch) (Con): It is a pleasure to follow the hon. Member for Brighton, Pavilion (Caroline Lucas). I do not agree with her views, and I hope I will be able to explain why.

We have to start with the political reality of the House of Commons today. It is abundantly clear that there is no majority in this House for a no-deal Brexit.
As someone who supports Brexit and wants to see it happen, I believe the Prime Minister was right to start by negotiating a deal. Those calling for her to walk away without negotiating a deal forget that it was always going to be extremely difficult, because of the diametrically opposing views on this issue that represent different value systems. These arguments cut across political parties, as we have seen in all the debates in this place.

It is clear from what I have seen in the House, as a Member of 18 months’ standing, that the Opposition want to frustrate Brexit. They have made it clear that they would vote down any deal that the Prime Minister brings back, thereby ignoring the democratically expressed view of their constituents and mine. It is also clear that the majority of MPs do not support Brexit. I support Brexit, and I therefore believe that the calls for a second referendum are completely misguided. The divisions that exist on the Government and Opposition Benches are being exploited to stop Brexit, and I fear that that is where we are heading if we do not support this deal.

This deal has been criticised by Members on both sides of the House. It has been criticised by those who want us to remain and those who want us to leave without a deal. As I said, I support Brexit, but I am pragmatic, in the best traditions of my party. I deal with the world as it is, not as I would like it to be. I have that view because I spent nearly 30 years in business before coming to this place, and I recognise that we sometimes have to make compromises to get most of what we want. If we pursue perfection, we end up without anything.

I believe that there are of course risks of voting for this deal. We all heard the Attorney General yesterday, and he was perfectly honest and transparent about those risks. I am not naive about those risks, but I have to make a political judgment about how, if I vote down this deal, that carries more risks. I never said it would be easy to leave the EU—having spent 30 years in business, as I have said—but this is certainly not a reason to ignore the referendum result.

Those on all sides of this argument who sit outside the negotiation room find it incredibly easy to criticise the Prime Minister. I wonder how many of them would, as I have said—but this is certainly not a reason to ignore the referendum result.

Surely if the Prime Minister was motivated by narrow party political interests, she would have come to this House and said, “Let’s support a no-deal Brexit”. She knows that that would have had overwhelming support from our side of the House, as we have heard from colleagues. She has sought to strike a pragmatic balance and to take on board the views of Members on both sides of the House and the 48%, and I think she is absolutely right to do so.

We have heard a lot of criticism from people, but the people who criticise have not presented any sensible options to solve the intractable constitutional problems that face us due to the Northern Ireland situation, nor have they really paid due regard to the businesses that employ people and that welcome the certainty coming from this plan. A very good point about the WTO rules is that, if we were to leave on those rules and then seek to negotiate something else in the future, there would be two sets of rules that businesses in my constituency had to plan for. Here we have a plan that they can take on board and make plans for. It is a deal that presents us with certainty.

This is a divorce and it is messy. In such a situation, neither side gets what it wants, but given the uncertainty of events in this House of Commons, it strikes me that we are now faced with an incredibly clear choice. If we do not vote for this deal, the parliamentary arithmetic dictates that we cannot now leave without a deal. All scenarios mean chaos, political chaos, turmoil and further division, which would not be good for my constituents in Redditch at all.

This decision is far from simple, and I am aware that by making my decision I am going to disappoint many people. That is life in politics. But I have read all the documents, and I want to reassure my constituents that I have studied them carefully. I have listened to the debates. I have engaged with Ministers, and I have engaged with my constituents, local businesses and people on the street. I am not part of any faction or any group. I have made this decision and, hand on heart, I believe it is in the best interests of my constituents in Redditch and of the country. I offer the Prime Minister my support in voting for this deal, which I believe will deliver the Brexit that people campaigned for and voted for when they cast their vote.

11.43 pm

Mr David Lammy (Tottenham) (Lab): The European Union was once just a remarkable dream—a hope that our countries which fought and murdered each other on an industrial scale twice in one century could come together, a refusal to return to extreme nationalism and a determination to prevent more bloody conflicts in which tens of millions are killed. The audacious idea of European integration was motivated by fear, but it was made possible by shared ideals—democracy, human rights, equality and freedom—and a refusal to submit to the tyranny of fascism ever again.

After the second world war, Winston Churchill said in 1946:

“If Europe were once united in the sharing of its common inheritance there would be no limit to the happiness, prosperity and glory”.

Today, however, some Conservative colleagues talk about total independence from Europe as though it were a virtue. Let me remind them that Churchill understood the European dream is to build a whole that is bigger than the sum of its parts. He understood that it is about pooling sovereignty, working together and sharing control.

Let us now be honest with the country. Total independence is a fantasy. It is the same idea that motivates an angry teenager to run away from their family. Total independence means throwing a tantrum and ending up in the cold. Total independence is selfishness, individualism, arrogance, superiority, a refusal to work together and the breakdown of the common good. Total independence will lead to total isolation. Let us be honest: Britain did not become great in total isolation.
Mr David Lammy

Britain thrived by becoming the biggest treaty-signing power in the world, signing more than 14,000 treaties in the modern age. Britain thrived by sharing, not stockpiling our sovereignty. NATO membership compels us to deploy soldiers when our fellow members are attacked. The Paris climate accords demonstrate how we tackle global threats together, not alone. There is also our membership of the WTO, which commits the UK to supra-national regulation and arbitration. Sovereignty is not an asset to be hoarded, but a resource, which has value only when it is spent.

The hard Brexiteers in the House say that they want to take back the control that we lost because of the European Union. In reality, they are still mourning Suez, Britain’s last fling of the colonial dice. Back then, Anthony Eden failed to recognise that Britain was no longer capable of launching a solo imperial adventure. Let us not fall for the same hubris today.

When those on the other side of the debate say that they want empire 2.0, let us ask what it means. What was imperialism? What was colonialism? At its worst, the British empire was exploitation and subjugation—moral superiority that led to putting humans in shackles and the oppression of black and brown people because this country thought it knew best. Those countries once coloured pink on the globe were not won in negotiations, but taken by force. Today, we need to build a new image of Britain, which brings this country together after years of division. We have to use our imagination. Empire 2.0 is not it.

After the global embarrassment of Suez, Britain became the sick man of Europe. The European Economic Community was set up in 1958, but Britain did not join until 1973. In those years, GDP per head rose by 95% in France, Italy and West Germany, while Britain grew by only half that rate. Our industry and economy had fallen behind. Europe gave post-imperial Britain a chance to regain some wealth and dignity. In the 40 years since, our economy grew faster than those of France, Germany and Italy.

We restored our position on the global stage, but it was not only our prosperity that increased. Our allies in the US respected us for our seat at the top table in Europe, and the rest of the world saw us become a confident nation again: a grown-up country, prepared to give and take for the greater good.

The Brexiteer promise to take back control in 2016 was nothing more than a deluded fantasy. It was a lie that divided friends and families, pandered to racism and xenophobia and caused an extra 638 hate crimes per month. What does it say about the United Kingdom when the UN sends rapporteurs to warn us of increased racism in our country? What does it say about Britain when our politicians play on the fear of migrants, races and religions to win votes? What did it say when Nigel Farage stood in front of a Nazi-inspired poster of refugees with the caption, “Breaking point”?

The founder of the Labour party, Keir Hardie, spoke of socialism’s “promise of freedom”, its “larger hope for humanity” and of “binding the races of the earth into one all-embracing brotherhood”.

I honestly ask my good friends in the party who are still wavering: can you really vote for this politics of division and hate? Can you really vote to slash workers’ rights and protections? Can you vote to give tax avoiding a sanctuary? Can you vote to hand over more power to the clumsy hand of the market?

What I am about to say is not fashionable, but our country’s story of renewal through Europe is one of immigration. We grew as a nation because of free movement. European migrants are not “citizens of nowhere” or “queue jumpers” as the Prime Minister would have us believe. Young, energetic, diverse and willing to pay taxes, EU citizens have given so much. They have done the jobs that our own would not do. Around 3.8 million now live in Britain. Over their lifetimes, they will pay in £78,000 more than they take out.

The contribution of European migrants has not been just financial. Our culture, our art, our music and our food has been permanently improved. The Prime Minister’s deal has emerged as a Frankenstein’s monster—an ugly beast that no one voted for or wanted. To appease hardliners, the transition period can be extended to 2022 at most. That has eradicated our leverage—it is simply not enough time to negotiate a free trade deal. We are now on course for another cliff edge. The deal does not take back control; it gives it away. It surrenders our voting rights on the European Council, the European Commission and the European Parliament for nothing in return. I cannot vote for any form of Brexit because every form of Brexit is worse for my constituents.

Brexit is a historic mistake. It forgets the lessons of Britain’s past. It forgets the value of immigrants. It forgets that we cannot build a new empire by force. It forgets that in the modern world our nation will flourish not through isolation, but through connection, co-operation and a new vision for the common good. Brexit forgets why this continent came together after two bloody wars.

This country is crying out for a second chance. Seven hundred thousand people marched on the streets of London. Millions more campaigned online and wrote to their MPs. They are asking for one thing: an opportunity to right the wrong of 2016 and another shot at the imperfect but audacious European dream. As John of Gaunt says in Shakespeare’s “Richard II”:

“That England, that was wont to conquer others, Hath made a shameful conquest of itself.”

11.50 pm

Martin Docherty-Hughes (West Dunbartonshire) (SNP):
I congratulate the right hon. Member for Tottenham (Mr Lammy) on his speech.

When it comes to Brexit, since 2016, everyone in this place has probably had their tuppence-worth to say on the Floor of this House. In that time, the most extraordinary statements have been made. Some, at the beginning of the debate, were on the side of a bus—or, as some of us where I come from would notice it, a coach. It seems that some folk in this debate do not know the difference between a bus and a coach. They have never been on a public bus in their life.

We had a former Brexit Secretary say on the Floor of the House that the industrial working class voted for Brexit. Well, Mr Speaker, my constituents rejected the proposition on the side of the bus/coach. As I said to then Brexit Secretary, I ask everyone, as I remember it, the industrial working class of West Dunbartonshire voted overwhelmingly to remain within the European Union. Not only did they reject Brexit, but they voted,
surprisingly, to his knowledge, for Scotland to again become an independent sovereign nation. I mention that because there was a referendum process in 2014 where we discussed, for over two years, our place in the world. We were told that the only way to remain in the European Union was to remain within the United Kingdom. Well, there you go—that is another lie for everyone to see.

It would also seem that on Brexit this is a Government who have, as we would say in some parts of these islands, dunged Scotland. It is a Government full of dunderheids and indeed clypes. I would advise *Hansard* to get themselves a guid Scots dictionary. They have had since 2015 to get used to the idea.

 Ministers of this Government who bring the issue to the Dispatch Box seem merely to haver about Brexit, unable to articulate a principled position on the greatest constitutional crisis faced in these islands since 1921. Again, I go back to that. If you do not know what I am talking about, pick up the modern history of Ireland found in the House of Commons Library. I seem to be the only person who has ever read it since it was brought into the Library in the 1960s.

I could not blame my constituents for coming to the necessary conclusion that the British Government were incapable of running a ménage, never mind the complexity of Brexit. It is a time in which the British Conservative and Unionist party has paraded its finest like some alternate Easter parade. There are not a lot of them here today, especially Scottish Conservative Members.

We have seen Conservative Members who found the Brexit referendum so difficult they did not even participate in it. A former Minister found it unbelievable that there had at one point been a hard border—a British border—on the isle of Ireland. The lack of historical perspective is staggering. The lack of political acumen is profound.

The Prime Minister and I will not agree—we can both be assured of that—on next week’s vote, but at least the Prime Minister, like those of us on the SNP Benches, has been consistent in her opposing positions. That cannot be said of those who brought us to this point. I would describe them, in that guid old Scots term, as sleekit, for off they went, and at the top of that list would be the former right hon. Members for Witney and for Tatton. This is a Parliament that they thought would take back control and they have handed it—as they scurried off to build their huts in the backs of their gardens—lock, stock and barrel to a bunch of free marketeers Brexiteers on the Government Benches and, would you believe it, to the other end of the corridor, to the unelected, unaccountable, as I have often said, bunch of warmers in the House of Lords? We could say that there is a flappancy to that comment, but how does it come about that the archbishops and bishops of the established Church of England should have more of a say on Brexit than the elected Parliaments of Scotland and of Wales and, if it should sit, the Assembly of Northern Ireland? It is a profound reversal of the devolution story in this Parliament, which many Members of this House participated in.

To be brutally honest, we on the SNP Benches are in no way surprised by this turn of events. The constitutional points include, for example, the backstop, which many Members from Northern Ireland have talked about. That is a privileged position, which the SNP would be delighted with—I know that some Members from Northern Ireland are not, but I congratulate them on it. However, it highlights the inability of the elected and sitting Parliament of Scotland—not just its Government, but its Parliament—to have a voice in these deliberations, for they continue to be ignored. This constitutional conundrum is further muddied by the private expression of the Electoral Commission on the dubious donation of over £435,000 to the Democratic Unionist party, which may have come about from a shadowy group known as the Constitutional Research Council, headed by the former chair of the Scottish Conservative and Unionist party—the very foundation of Brexit.

When I entered this House, Mr Speaker, I made it clear to you, for you were in the Chair when I gave my maiden speech—my first speech, should I say—that I was neither a Unionist nor a Home Ruler, and I am not. I believe in the independence of the nation of Scotland yet, even as a democrat in this House, I believe that the decision that we take next week will be based on a false premise, funded by dark money, challenging the very idea of fair elections and any future referendums. I am no conspiracy theorist. I was there when my constituents voted for independence, and I was there when they voted to remain within the European Union. I saw the ballots being counted, yet because of the issue of dark money, there are many Members, including me, who believe that the inability to investigate the involvement of dark money is not only an existential threat to democracy, but a real threat that weakens the democratic consensus that has been built since 1945.

Let me conclude by saying this to my constituents—they voted remain and many of them have asked me to be committed to a people’s referendum. I will vote against the Government’s motion next week, if a referendum motion is brought to this House, I will fully support it and I will campaign in my constituency for my country, Scotland, to remain within the European Union.

11.58 pm

*Paul Girvan* (South Antrim) (DUP): It is a privilege to take part in this debate. I must say that it might not have happened had the previous Prime Minister been able to come back with a deal from Europe. Unfortunately, Europe, being its usual intransigent self, would not give a deal on that occasion, so a referendum was called.

My constituency voted to leave. It did not vote for this withdrawal agreement. It voted to leave the customs union, the single market and the ECI, but this withdrawal agreement does not address those matters, and it leaves Northern Ireland in a place it does not wish to be. Many people say they have heard business welcome the agreement. In Northern Ireland, many families gave sons to fight to remain part of this United Kingdom. What was not achieved by the IRA and republicanism and its adherents has been achieved by bureaucrats in Europe with a pen, and it will potentially leave Northern Ireland en route to a united Ireland. We will have no control over other Governments, and we will be rule takers, not rule makers.

Great emphasis was placed on protecting the Good Friday agreement. I never voted for the Good Friday agreement, but those who did did so on the basis of certain protections that were promised. The border between Northern Ireland and the Republic exists—it is there and present today—and those who say they did not see it obviously did not look. People there measure in kilometres; they use the euro; they tax at different rates;
and they use state aid in a very imaginative way in the Republic of Ireland—and they tend to challenge us whenever we attempt to do likewise. That so-called border, which we put forward in our argument, could be dealt with using technology. That technology could be put in between Larne and Stranraer, between Belfast and Ardrossan, and at any other port—Liverpool, for instance; they could have all the associated issues and access all our ports using technology. I can only say that that technology could work between Newry and Dundalk without any difficulty.

But we are where we are, and the backstop proposed in this withdrawal agreement will do nothing but leave Northern Ireland out on the periphery. We will not be able to enjoy any of the advantages. We have heard the message that the Ulster Farmers Union has accepted this deal, but there are many areas in this. Should intervention be given to farmers from the United Kingdom and it is not in line with what Europe has agreed, or it is more than they would have received under the CAP—or the single farm payment, as it currently is—those farmers in Northern Ireland would not be able to access it, because it would be breach EU rules.

I agree that we have had many advantages from being members of the EU in relation to trade. The EEC, as it was when we joined in the 1970s, was never envisaged as the federal states of Europe that we see today trying to dictate to sovereign Governments around Europe. It has overstepped the mark in many areas, and that is one reason this nation voted to leave. When we voted in June 2016, a clear message came from Europe that it would not make leaving easy, and the same is evident today. It will not make this easy, and we are not at the end of the road yet; there is a long way to go.

I have listened to hon. Members around the Chamber say this evening that there is no stomach for a no-deal Brexit. That is correct—nobody appears to be happy with a no-deal Brexit—but something else is very clear: there are very few voices speaking in favour of this agreement. It has united those who want to leave, those who never wanted to leave and those who actually believe in a no-deal Brexit. It has united them all in opposition.

I can tell the House that that is how we will vote next Tuesday. My party and I will oppose this agreement because we believe that it has left Northern Ireland in a constitutionally vulnerable position, irrespective of the assurances that we have been given. It has been said that the backstop will only be an insurance policy, but we will not accept an insurance policy that has no route out once we are in. Once we are there, we shall never be able to get out again, so we will oppose the withdrawal agreement on Tuesday.

Several hon. Members rose—

Mr Speaker: Order. It would be desirable now for contributions to be reduced to seven minutes.

12.5 am

Mary Creagh (Wakefield) (Lab): As we pass the witching hour, we are all still present and correct. I have never spoken in the Chamber after midnight. I feel that a pumpkin may appear, and some small mice may come out. Perhaps they come out later; I do not know how the pest control is doing. [Laughter.] That woke everyone up.

Let me begin with a French phrase. Qui sème le vent récolte la tempête: who sows the wind reaps the whirlwind. We are in this debate, in this position, in this Parliament, with no good options before us. We have only bad options and less bad options, after two years of negotiating what I believe has always been a fantasy Brexit. I think that David Cameron has a huge amount to answer for. He opened the Pandora’s box of English nationalism with his promise of a referendum, and the genie cannot easily be put back in the bottle. The Europe issue has defeated every Tory Prime Minister since Edward Heath. Thatcher, Major and Cameron all left because of Europe, and I fear that this Prime Minister may well be undone by it as well.

Let me be clear: I will not be voting for the Government’s draft agreement. I did not vote for a referendum; I voted to remain; and I was one of only three Labour MPs with leave seats who voted against triggering article 50. I feared that the Government had no idea what they were doing. I feared that they would call a general election and waste valuable negotiating time, and so it came to pass.

Let us not forget that that election was intended to crush the saboteurs. Members were called Luddites and people who wanted to disrupt democracy. However, the election did not crush the saboteurs. The election was tough, but it was not tough on those who, like me, opposed the Government’s approach to Brexit. It was tough on the causes of Brexit: the years of austerity, the grinding poverty, the creaking public services, the endless belt-tightening for families, the explosion of food banks, the public squalor that we see with homeless people sleeping on our streets and the shrinking of the state. The electorate were tough on the Conservative party. The Prime Minister, as I had feared, wasted six months and lost her majority. Then she came back to this place and, in the Lancaster House speech, showed that she had learnt nothing, setting out red lines on leaving the customs union and the single market.

And so, one by one, like layers of onion peel, the promises of the leave campaign have fallen away, leaving the people with tears, broken promises, and less trust in politicians than ever before. We have a political declaration with 585 pages, which is full of hope, exploration and best endeavours—full of warm words—but which signifies very little and which places the UK firmly as the weaker negotiating partner after we leave. We will be removed from all EU databases, and we face the prospect of a backstop border in the Irish sea.

Minutes were issued after the European Council’s approval of the withdrawal agreement—the so-called interpretative declaration. Rather like the Prime Minister, who has to come and translate everything for the House of Commons, the European Council has had to translate what that really means for Spain and Cyprus. According to the declaration, article 184 of the withdrawal agreement states only that we should use our best endeavours to cover the territories named in article 3. What are those territories? They are Gibraltar, the Cyprus sovereign bases and Britain’s overseas territories. We will use our best endeavours, but there are absolutely no guarantees in law that those territories will be covered in the withdrawal agreement, and, effectively, Spain has a veto over Gibraltar.
I am concerned that our environmental obligations are at risk of being breached, and the Government now have an unprecedented constitutional and administrative task before them. They have passed just five of the 13 Acts of Parliament they need to enact before Brexit. They have 700 statutory instruments, just 45 of which have gone through Parliament, and goodness knows what faces us when we come back in the new year.

This morning at 10 o’clock, I chaired the Environmental Audit Committee and we heard from the chemicals industry about the fact that it has spent half a billion pounds registering some 6,000 chemicals with the EU’s chemical database, and the Government are now expecting it to spend a similar amount re-registering the same registrations all over again with the Health and Safety Executive, which has no experience with public health or the environment. I am delighted to see the environment Minister in her place.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): The HSE is already very experienced. It is the competent authority on behalf of the European Chemicals Agency, or ECHA, in this country, but would the hon. Lady prefer that the future UK chemical regulation system did not have the information on which the ECHA is currently reliant?

Mary Creagh: Perhaps the Minister should take the time to meet the chemicals industry and listen to its concerns. It described Ministers’ approach to this problem not so much as strategic, but as being a view from the moon as it is so far away from the reality it is facing. I exhort the Minister to read the Hansard transcript. The intellectual property of the ECHA database is the subject of a great deal of argument and legal concern. I exhort her to read the details of what we heard this morning.

We have been calling for a new environmental Bill. We do not want to go back to being the dirty man of Europe, and we know that 80% of the UK’s environmental laws originate from the EU. They mean we bathe on cleaner beaches, drive more fuel-efficient cars and can hold the Government to account on things like air pollution. We are still waiting for the draft environment Bill; it is a bit like waiting for Godot—we never know when to meet the chemicals industry and listen to its concerns. I exhort the Minister to read the Hansard transcript. The intellectual property of the ECHA database is the subject of a great deal of argument and legal concern. I exhort her to read the details of what we heard this morning.

These EU environmental laws such as the chemicals database cannot simply be cut and pasted into UK law. The Minister’s Department is setting up this new chemicals database. This is the foundation industry on which British manufacturing, aerospace motoring and electronics are based and it is at risk because of what is happening.

Dr Coffey indicated dissent.

Mary Creagh: The Minister shakes her head: she is wrong; read the Hansard. These regulations are brought to life when they are held by regulators, the Commission and the ECJ and backed up by sanctions, and the Minister’s proposals do not allow stakeholders and the public to have a say in which chemicals are approved and which are not.

The cakeism, the cherry-picking and fudge before the summer will not work as we head into winter. We are promised this brave new world of free trade areas, but what the Prime Minister does not tell people is that it means less free trade with our nearest neighbour, it means shrinking our economy, and it means a backstop down the Irish sea.

For the past 40 years, we have worked together with our partners and allies to develop great social and environmental standards, and the EU has been the longest and most successful peace process the world has ever seen. There is no deal the Prime Minister can do that is as good as what we have now, and we are living in strange days when we have three votes—[Interruption.] I have listened to the Under-Secretary of State for Exiting the European Union, the hon. Member for Daventry (Chris Heaton-Harris) and others on the Government Front Bench—[Interruption.] Calm down. We have had three defeats for the Government today, and we are going through the motions. We know this deal is going down. My constituents in Wakefield were promised something totally different. The Government are unable to deliver on their promise. That is why we need to put this decision back to the people before they pay the price.

12.13 am

Catherine McKinnell (Newcastle upon Tyne North) (Lab): The importance of this debate and the votes that might follow cannot be overestimated. They are significant not just to those avidly following every twist and turn of this debate—and good morning to those who might be watching—but to those who are fed up of discussing Brexit, and even more so to our children, young people and future generations. So it is no wonder that I have been inundated with emails and correspondence from constituents, some asking me to vote against the agreement because it does not deliver the Brexit they feel they were promised and who believe a no-deal outcome would be preferable. I do not share that analysis. Due to the projected dire impact of a no-deal Brexit on almost every aspect of our everyday lives, I am not clear how any Member of Parliament could even consider that to be an option. I also refuse to hold such low ambitions for our country and future generations of being able just to survive the next few years, if not decades—or however long it is that the hard Brexiteers now state it will take us to start feeling the benefits of leaving the EU.

I know the economy was not the only driving factor behind the vote in June 2016, but all the parliamentary sovereignty in the world will not make up for rising unemployment, reduced living standards, falling productivity and lost opportunities, not least in regions such as the north-east, which has been thrown on the economic scrapheap too many times before.

A small number of constituents have asked me to vote in favour of the withdrawal agreement, as they believe it is the best offer available to us after the Prime Minister’s efforts, and they are understandably concerned about the prospect of crashing out of the EU given the Government’s insistence that those are the only two options before us. I do not share the Prime Minister’s analysis that driving off the cliff is not an
[Catherine McKinnell]

inevitability. Parliament can stop the bus before we drive over the edge. Parliament is sovereign. That view is shared by the overwhelming majority of the large number of constituents who have asked me to vote against the withdrawal agreement next week, and to continue to work to ensure that the final decision on how we proceed as a country is put back to the British public via a people's vote. That is the approach I intend to take.

I cannot support this agreement because it is a fudge, and serves only to emphasise that negotiating an arrangement better than or equivalent to the one we already have, as members of the EU, just cannot be done—despite the bombastic pledges of the former Brexit Secretary that he would deliver “the exact same benefits” of our current membership.

We are giving up those benefits for an agreement that the Government admit will leave every nation and region of the UK poorer. We must have the only Prime Minister and Chancellor in living memory who actively pursue a policy they know will damage the economy of their own country. There will of course be no Brexit dividend, and therefore no additional funding for our public services. Meanwhile, we will be subject to EU rules with no say over how they are made in future—so much for “taking back control”.

The withdrawal agreement also fails to deal with several pivotal issues, such as the Northern Ireland border. Crucially for thousands of businesses in the north east, and the hundreds of thousands of good, skilled jobs they provide, it offers absolutely no certainty about our future relationship with the EU, nor the frictionless trade and easy access to European markets that our manufacturing and services firms require.

Members are being asked by the Prime Minister to vote for a blindfold Brexit, with no idea of what happens beyond the transition, while also being subjected to the most ridiculous peddling of misinformation by the Government, desperately trying to persuade us all that this fudge is what the country really wants. As I said to the Prime Minister earlier in the debate, if the Government are so convinced that the withdrawal agreement is what the country wants, why not go back to the British public and ask them if they support it, instead of resorting to propaganda campaigns? This is not about trying to rerun the 2016 referendum; it is about asking people to confirm, now that a Brexit deal is on the table, whether it is what they want for their country, their economy and their families. Or would they prefer to remain in the EU on the terms that we already have?

It is evident that there is no majority in the House for the Prime Minister's deal, or for a no-deal outcome. After much deliberation, I have come to the conclusion that the most constructive, democratic and realistic way out of this deadlock is to put the issue back to those who started the process in 2016 to make the decision on how we proceed. We should give the decision back to the people in a people's vote.

12.19 am

Tommy Sheppard (Edinburgh East) (SNP): The people of Scotland did not vote for Brexit. In 2016, 62% of them rejected the proposal, and that figure would be higher today. Their judgment then was that Brexit was bad for them, and that is their judgment now. If anyone doubts the veracity of that conclusion, they need only to look for evidence in the pages of the withdrawal agreement we are discussing today. This is a bad deal, and I will vote against it for four reasons.

First, this deal will make the people that I represent poorer. Not overnight, not all at once, and not dramatically, but slowly, steadily and surely, it will make them less well off as it drives down living standards and drives down the money available for public services; and as is so often the case, the people at the bottom of the economic ladder will be disproportionately hit as that happens.

Secondly, I will not vote for the withdrawal agreement because it will prevent people from elsewhere in Europe from coming to live and work in my country and it will threaten its economic prosperity. Thirdly, I will not vote for it because of the backstop for Northern Ireland, which places Scotland at a clear material disadvantage, both for our existing businesses seeking access to the European market and for future investment. Fourthly, I will not vote for it because it represents our political and cultural diminishment, as a result not only of withdrawing our European identity but of making a country that aspires to be outward looking and that celebrates its diversity and inclusivity subject to the new model empire mark 2.

Those are things that I reject, but the good news is that even the dogs in the street know that this deal will not pass, next Tuesday. So the real question is this: how can it be that, after 30 months, this Government have come to this Parliament with a package of proposals that only the people on their own payroll, and those who aspire to be on it, will support? The answer to that question lies in the process that has been adopted. As others have remarked, it lies at the heart of a Government who have decided to look internally to the divisions in their own party rather than looking outwards across the party to try to build consensus in the country. That is why we are in this situation.

This is a masterclass in how not to do politics, and at its heart is a fundamental disrespect for those who hold an alternative opinion. Almost as soon as the results came in, the narrowest of results—52 to 48—was seized upon by the victors as though it had been a landslide. Their triumphalism was embarrassing. There was no magnanimity in victory, no olive branch, no bridge building. Instead, the views of almost half the population were excised from the story, but when it comes to how this Government have dealt with the Government of Scotland, disrespect has plumbed new depths.

In December 2016, the Scottish Government put forward a clear and workable compromise proposal that many across this House now regard as the thing that they should be going for. It said that we should stay in the customs union and the single market while leaving the European Union, but it was not even taken seriously. It was treated with contempt. Then, when we said, “Okay, if we cannot persuade the UK Government of the benefits of this economic integration, at least give Scotland the powers to have a differentiated relationship with the European Union that recognises a different economic imperative and a different will of the people who live there.” That also was rejected. Worse, in fact: it was treated with contempt.

Those of us who put forward that view were derided and castigated. Our motives were questioned. We were accused of malintent. In fact, we were told that this was
a Trojan horse for independence, and that that was the only reason we were suggesting such a thing. The opposite is actually true. It is the rulers of this United Kingdom who refuse to recognise its diversity, who will do more to hasten its demise than I ever could. We now have a situation in which, for the first time since the post was recreated in 1885, the Secretary of State for Scotland is arguing for the material disadvantage of the territory that he represents in Cabinet.

What is to be done about this sorry state of affairs? Well, the old adage is that when you find yourself in a hole, stop digging. The most important thing that we can do is to reject the proposals in front of us and then clear the decks, as the change to the Standing Orders now allows, to consider better alternatives. It is crystal clear that the alternative is not to leave without a deal, but not to leave at all, because that is the best way of aiding the prosperity of the people we represent, both now and in the future. If that takes a people’s vote, a new referendum or a general election to get the mandate to organise a new referendum, so be it. Those who suggest that to say that is somehow to betray the people and to try to put this Parliament above the electorate do a great disservice to democracy, because no one is talking about this Parliament overriding the result of the referendum. We are talking about the people overriding the result of a referendum from three years previous, and people in a democracy have the right to change to change their mind.

Finally, many people in Scotland have learned from this experience. A great many more than before have come to the view that Scotland’s views will never get the respect that they deserve while we remain in this Union of the United Kingdom. Many more people are now open to the prospect of Scotland becoming an independent country. I do not say that they would vote yes tomorrow, but not to leave at all, because that is the best way of aiding the prosperity of the people we represent, both now and in the future. If that takes a people’s vote, a new referendum or a general election to get the mandate to organise a new referendum, so be it. Those who suggest that to say that is somehow to betray the people and to try to put this Parliament above the electorate do a great disservice to democracy, because no one is talking about this Parliament overriding the result of the referendum. We are talking about the people overriding the result of a referendum from three years previous, and people in a democracy have the right to change to change their mind.

12.26 am

Fiona Onasanya (Peterborough) (Lab): At this time of year, we all recall the age-old saying that it is better to give than to receive. However, that should not have been the Prime Minister’s approach when negotiating the deal. In my humble opinion, we have given so much, yet received so little. The shambolic Brexit negotiations have gone on for too long. From an indefinite backstop and extended transition period to the lack of mention of state aid, workers’ rights or environmental protections, I am worried that the lack of attention given to such matters means that the Government’s idea of post-Brexit Britain is quite simply a race to the bottom.

While figuring out how to leave the EU is unquestionably complex, the Prime Minister appears to have failed on her own terms. When in these negotiations was the Prime Minister being “a bloody difficult woman”? It is evident that the priority has always been surviving instead of striving, which ignores many of the reasons why people voted to leave. The Prime Minister and the Government have had more than enough time to negotiate, but they have brought my constituents chaos, a raft of Cabinet resignations and a botched deal that many people who voted to leave do not feel takes back control. In fact, according to YouGov only 20% of the British public actually support this half-baked deal, and it would not surprise me if only 20% of the Prime Minister’s Cabinet do as well.

We need the best possible deal, but the Prime Minister is insisting that it is her deal or no deal, neither of which we accept. We cannot have a choice between a hurriedly cobbled together calamity or nothing. That is not how this should work. This Government needed to put forward a decent, appropriate plan so that Members could unify. Instead, they made the empty threat of no deal. Supporting a bad deal would involve conceding to a political hoax designed to pressure rather than persuade. This Government have not even prepared for the possibility of no deal. As just one example, 11 of the 12 critical IT projects needed at the border in the event of no deal will not be completed in time for March 2019.

A no-deal Brexit would be catastrophic, and the Government do not have the right to plunge our country into chaos because of their own failures. It would be politically unsustainable for this Government to deliver a no-deal Brexit without the consent of Parliament. Our constituents were essentially asked a simple question: “Would you like a divorce, yes or no?” They answered the question, but they did not have the details. They did not know in the terms of the divorce who would have the children, who would get the house and how the assets would be split. That is the detail we have been discussing in this place.

It is becoming increasingly clear that this deal is a damning indictment of the Government’s failure to negotiate a deal that will help us prosper post-Brexit. My constituents voted to leave the EU so, if we are going to launch into this vast, open space, we must have a parachute. We must ensure we are prepared for a safe landing.

As we leave the EU, we must tackle the burning injustice of poverty and make Britain a country that works for everyone. I am struggling to see how what appears to be a chaotic attempt at scrambling support for agreement to a deal can be a catalyst for genuine progressive change for this country and for my constituents.

12.31 am

Dr Philippa Whitford (Central Ayrshire) (SNP): What are we really discussing here is a blind Brexit, because what we have is a withdrawal agreement and six and a half pages on a future deal that have now been padded out to 26 pages. I find it strange that the economic analysis did not include this deal. It included the Chequers half pages on a future deal that have now been padded out to 26 pages. I find it strange that the economic analysis did not include this deal. It included the Chequers deal. Supporting a bad deal would involve conceding to a political hoax designed to pressure rather than persuade. This Government have not even prepared for the possibility of no deal. As just one example, 11 of the 12 critical IT projects needed at the border in the event of no deal will not be completed in time for March 2019.

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Hilary Benn rose—

Dr Whitford: Sorry, I thought the right hon. Gentleman was trying to intervene. He is confusing me. It is a bit late at night.

One of the other industries in my constituency is fishing, which is always held up as the great beneficiary of Brexit, but in my constituency the catch is dominated by langoustine and lobster, 85% of which goes to the EU, and every few hours of delay decreases its value. The problem for the industry is that fishermen from Northern Ireland, much as they do not want the benefit, will be able to fish in the same waters and have direct and swift access to the single market through the south of Ireland. They also will not face tariffs on processed fish. That will hit smoked salmon, which is not just Scotland’s biggest food export but the UK’s biggest food export. We are talking about tariffs ranging from 5% to 16%. We will lose our advantage over Norwegian salmon.

Yet the real problem of the fishing industry, which is that the vast majority of quota is held tightly by very few companies, will not be fixed by this. In Scotland 80% of boats share 1% of quota, and in England 77% of boats share 3% of quota, while a handful of firms own the majority. An additional issue in England is that huge amounts of quota have been sold to Dutch and Spanish companies. It is not Europe doing that, and it is not the common fisheries policy; it is because this place has never cared about fishing. Up until now, fishing has always been expendable, but it has always been a very useful ploy around Brexit.

One other thing that has been missing for us, coming up to making this decision, is that the Government analysis claims that the economic impact will be minimal if there is no change to immigration. That is funny, because the Prime Minister has put all her effort into creating a hostile environment, just to drive European immigration down. The Government’s own economic assessment shows that European immigration contributes at least 2% to GDP and the migration report showed that these people contribute more than £2,300 a head more to public finances. They help our economy, as well as our public services and our communities. In Scotland, we need people, for our demographics and our economic growth, and we welcome them. That is why we need control of immigration, because if the Government’s plans to set a threshold of £30,000 go ahead, three quarters of the European citizens here now would not qualify, and the impact across public services would be immense. The failure in 2016 was to fail to talk about the benefits of Europe and what these people contribute to our workforce in public services, particularly health. Health is not delivered by machines in hospitals; it is delivered by people—healthcare workers and social care workers. They do not earn more than £30,000. Junior nurses, careworkers and even junior doctors do not earn more than £30,000. Some 150,000 of them look after us when we are sick.

We have also had the opportunity to carry a European health insurance card that has allowed even people on dialysis to travel to Europe. You tell me: what is the price of health insurance that will cover that? The card has allowed our pensioners to retire to the sun, where they have paid no tax but they have been able to transfer their rights. The European Medicines Agency has not increased bureaucracy; it decreased it, by creating a single licensing system. The Government talk about replacing research money, but research is not just about funding; it is about collaboration. You cannot sit in a muddy field on your own and call it collaboration. We are only going to lose. We lose the public health drive and pressure that we have had from Europe. We lose that collaboration, and we lose both the academic and medical research. Earlier, one MP, perhaps it was the right hon. Member for Uxbridge and South Ruislip (Boris Johnson), was dismissing concerns about radioisotopes. It is funny that the president of the Royal College of Radiologists is concerned about access to radioisotopes. The UK does not manufacture them. Molybdenum has a half-life of 66 hours and we have to import it from elsewhere. Until now, since the loss and crisis in 2009, the Euratom Supply Agency has managed that supply. It will be diminishing as these old reactors go offline and we will be outside begging to have the chance. “Can we please have enough technetium for our patients?” These are the things that we are going to lose.

Patrick Grady (Glasgow North) (SNP): Of course we are already starting to lose these things. Are the academic institutions and the health institutions my hon. Friend talks about not already having to make plans? People are not coming to this country, goods are not coming to this country and academic research is not coming to this country, and that is before Brexit even hits.

Dr Whitford: We already know that there has been a 90% drop in the number of European nurses coming here, and 14% of European doctors in Scotland and 19% of them in England are already in the process of leaving, with many more considering it. So people right across the spectrum are already considering leaving or are already leaving. The problem is that we are the losers, given what they have contributed.

My constituents and I voted clearly to remain, as did voters across Scotland, and we still wish to remain and we will still fight to remain. The Prime Minister kept saying, “It is my deal or no deal”, but now she has changed her tune. She now says, “It is my deal, no deal or no Brexit.” We will take no Brexit thank you very much. But as my hon. Friend the Member for Edinburgh East (Tommy Sheppard) pointed out, what we have seen in the past two and a half years, when the Prime Minister refers to the precious Union, is actually the utter contempt she holds for Scotland. I can tell the House that that has been seen from Scotland. What has been shown is the democratic deficit and the fact that the only way to control your own future is to be in control of your own future. Scotland will be making that decision, as well as supporting staying in the EU.

12.39 am

Paul Blomfield (Sheffield Central) (Lab): May I begin, Mr Speaker, by congratulating you on your stamina staying in the Chair for more than 12 hours now? I welcome the right hon. Gentleman for North East Cambridgeshire (Stephen Barclay) in what I think is his first Brexit Secretary lasted 24 months and the second five months—so I hope that the new occupant of the post can at least make it through to oral questions on Thursday.
It is a privilege to give the winding-up speech for the first of five days of debate on the Government’s withdrawal agreement, and to do so on a day on which Parliament has asserted its sovereignty so dramatically. Today’s debate has confirmed that the Government have forged a remarkable consensus on one thing at least: opposition to their deal, which fails not only Parliament but the British people.

Labour campaigned to remain in the European Union because we believed it to be in the economic and political interests of our country and of the continent that we share and will continue to share, and for all the reasons that were set out so powerfully by my right hon. Friend the Member for Leeds Central (Hilary Benn). But we accepted that we lost the referendum, which is why we voted to trigger article 50, setting the clock ticking. The past two years, though, have been squandered, as negotiations with the EU27 have taken second place to those between the warring factions in the Conservative party—and the country is paying the price.

It did not have to be like this. The hon. Member for Altrincham and Sale West (Sir Graham Brady) made the point that the Prime Minister has worked hard over the past two years and won respect from many in the country. That is a fair point, but working hard is not enough. The problems that she faces now are the result of the decisions that she has taken. At the outset of this process, we urged the Prime Minister to reach out to the majority in Parliament who would have supported a sensible Brexit, by acknowledging and saying that the people had voted to leave the European Union, but by the closest of margins. I was bewildered to hear her question the legitimacy of the 1975 referendum because one third of people voted against remaining in the EEC, while she is seeking to deliver this damaging Brexit on a result that split the country down the middle.

The 2016 referendum gave a mandate to end our membership of the European Union, but not to rupture the relationship with our closest neighbours, our main trading partner and our key allies. If the Prime Minister had said two years ago that she would seek a deal that reflected the interests of our country and of the continent that we share, and will continue to share, and for all the reasons that were set out so powerfully by my right hon. Friend the Member for Derby South (Margaret Beckett) in another very powerful contribution. Instead, the Government argue that this deal should be accepted on the basis that failing to deliver on the 2016 referendum would have serious social and political consequences, and it is a serious point that should not be lightly dismissed, but they should recognise that there will more serious consequences if Parliament votes for a damaging Brexit on a false prospectus.

As they have discarded the idea of a brighter economic future, the Government say that the deal deserves support because it delivers on the other pledges, particularly to take back control of our borders. Indeed, that is top of the Government’s “40 reasons to back the Brexit deal” on their website. But the expectations unleashed by the rhetoric of “taking back control” are a long way from the reality. The Government have had complete control of non-EU migration for the past eight years and, in every one of those years, net migration from outside the EU was higher than from within it. As last week’s figures from the Office for National Statistics show, falling immigration from the EU, because people no longer wish to come, has simply been replaced by non-EU immigration hitting a 14-year high. On the central issue, the Home Secretary said this week that we are unlikely to see the Government’s plans before next Tuesday’s vote. The long-promised White Paper has been delayed beyond then and it is a disgrace.

On other issues, the Brexit blindfold is tightening, too. Let us take fishing, where the rhetoric of being an independent coastal state is not matched by the reality of the new deals that will need to be struck to ensure that we continue to have access to the European markets that buy 80% of the UK’s catch—another issue kicked down the road. However, the political declaration kicks so much down the road. It offers no certainty and it opens the door to a hard and damaging Brexit. A document that we were promised would be “detailed, precise and substantive” setting out clearly our future relationship with the EU is nothing of the sort. After two wasted years, we have no clear picture of our future relationship, as the right hon. Member for Broxtowe (Anna Soubry) pointed out. This is a blindfold Brexit. The Government are asking Parliament to take the country over a cliff with no clarity on the safety net, and we will not do it.

12.49 am

The Secretary of State for Exiting the European Union (Stephen Barclay): I thank the hon. Member for Sheffield Central (Paul Blomfield) for his kind welcome and join him in congratulating you, Mr Speaker.
I appreciate that he is not in his place, but he started his remarks by stating that he was “standing with Tony Blair”. I gently suggest to my colleague that, if he is standing with Mr Blair, he is standing in the wrong place.

My hon. Friend the Member for Altrincham and Sale West (Sir Roger Gale), in a powerful speech, brought to bear his experience as the leader of the UK delegation to the Parliamentary Assembly of the Council of Europe in saying that the idea that a radical reassessment of this deal could be achieved by reopening it was not realistic. He also spoke of his experience as a Kent MP in terms of the potential disruption that a no-deal scenario would bring.
The right hon. Member for Twickenham (Sir Vince Cable), who is not in his place, spoke of his experience on Europe, so he will no doubt recall the Lib Dem leaflets that were the first to propose the in/out referendum before the idea caught on. He is now saying that we should ignore the result of the referendum while also calling for another referendum. It is a bit like saying that large multinational tech companies are inflaming public opinion before taking a job with one of them.

My right hon. and learned Friend the Member for South-West Hertfordshire (Mr Vazey) correctly identified the importance of Euratom withdrawal agreement. Whole and prevent the Government from ratifying the draft would amount to a rejection of the deal as incompatible with any of the terms of the deal as seek to insert an end date to the backstop could risk others in the House frustrating the Brexit that he as someone who has always supported Brexit and shares desire to remain in the European Union is not the mean centre either of our party or of the country.

The right hon. Member for Belfast North (Nigel Dodds) spoke of his concerns on the issue of trust. I hope that in my new role there will be an opportunity to build that trust in our relationship moving forward. I very much recognise the experience that he brings to these issues and, in particular, his point referring back to the December discussion on paragraph 50. Let me pick up one specific issue that he raised about the Attorney General’s remarks yesterday. He suggested that the Attorney General had said that the backstop was indefinite. I draw his attention to the fact that when my right hon. Friend the Member for New Forest East (Dr Lewis) asked the Attorney General:

“Is it possible that the UK could find itself locked in backstop forever, against our will?”;

his answer was the single word:

“No.”—[Official Report, 3 December 2018; Vol. 650, c. 561.]

However, I am very happy to discuss these issues with the right hon. Gentleman in the days ahead.

My right hon. Friend the Member for North Shropshire (Mr Paterson) spoke of the forces that hate Brexit and are intent on stopping it. I hope he will recognise that, as someone who has always supported Brexit and shares his desire to see it concluded, perhaps, unlike him, I fear that the uncertainty involved in not supporting this deal risks others in the House frustrating the Brexit that he and I both support.

My right hon. Friend the Member for Basingstoke asked whether amendments to the approval motion that seek to insert an end date to the backstop could risk destabilising the only negotiated option on the table. The simple answer to that is yes. An amendment that is incompatible with any of the terms of the deal as drafted would amount to a rejection of the deal as a whole and prevent the Government from ratifying the withdrawal agreement.

My right hon. Friend the Member for Wantage (Mr Vaizey) correctly identified the importance of Euratom. I pay tribute to him. He speaks with great authority on that issue. I know he has done a huge amount of work on that, and I hope that where we have landed in the deal reflects many of the contributions he has made.

The hon. Member for Nottingham South (Lilian Greenwood) raised the importance of EU citizens to our NHS. As a former Health Minister, I very much agree with that point. I gently point out that there are more non-UK EU nationals working in the NHS today than there were at the time of the referendum.

“Is it possible that the UK could find itself locked in backstop forever, against our will?”;

[Interjection.] She says from a sedentary position that that is not the case. That is the record. As the Minister who covered the workforce, I can say that there are more non-UK EU staff working in our NHS than at the time of the referendum.

My hon. Friend the Member for St Ives (Derek Thomas) spoke of the importance of regaining powers for his local fishing fleet. He is absolutely right to highlight that. That is a key aspect of the deal, and I look forward to discussing it with him in the days ahead, so that we ensure that it reflects his concerns.

The hon. Member for Newcastle upon Tyne North (Catherine McKinnell) spoke of the divisions on Brexit in her constituency and more widely. I very much recognise that. This deal is seeking, as the Prime Minister acts in the national interest, to bring the country back together.

In conclusion, it is important that we do not lose sight of what this deal will enable us to deliver—a fair skills-based immigration system; control over our fisheries and our agricultural policies; our own trade policy for the first time for more than four decades; and an end to sending vast sums of money to the EU. In 2016 we had the biggest vote in our democratic history. This deal allows us to deliver on it, rather than the alternatives of division and uncertainty. I urge the House to back this deal.

Martin Docherty-Hughes: On a point of order, Mr Speaker. You often remind me that this is a place of convention and that the convention is that at the end of a debate, most Members should be in the Chamber. I notice that some who went on for quite a while on the Back Benches are not in their place as convention would dictate. Could you advise me what action you will take in relation to that matter and advise the House if you do take any at all?

Mr Speaker: I am grateful to the hon. Gentleman for his point of order. I am inclined to err on the side of thinking that there may have been some unawareness on the part of some Members of the requirement to be present for wind-ups tonight. I say that because a number of Members came to the Chair expressing the expectation that there would be no wind-ups, and I corrected those Members, so they came to be aware that they should indeed be present. I am merely being perhaps slightly charitable. There may have been Members who were not aware that, although it is one theme over the five days, there are wind-up speakers each night and, unless there is good cause, preferably notified to the Chair and those on the Front Benches, there is an expectation that Members who speak in the debate, on whichever of the five days, will be present for the wind-up speeches. I hope from now on that that will be clear.

1.2 am

Eight hours having elapsed since the commencement of proceedings on the Business of the House motion, the proceedings were interrupted (Order, this day).

Debate to be resumed tomorrow.

Dr Whitford: On a point of order, Mr Speaker. I am sorry; I do not often raise points of order, but the Secretary of State has claimed, as was claimed in Health questions last week, that there are more EU staff working in the NHS now than in 2016. If he bothers to check with the Library and others who collect the statistics,
they will point out that 90,000 members of staff in NHS England had no nationality. That has been reduced by collecting the data, and the Library clearly points out that it is wrong to assume that there are more people here. It is actually just more people whose origin in the EU is registered. The British Medical Association and General Medical Council surveys suggest that 19% have left England’s NHS, so the statistic he gives is incorrect.

Mr Speaker: The hon. Lady has put the point very forcefully on the record. If the Secretary of State feels, at any stage, that there is a requirement on him to correct the record, it is open to him to do so. At this point, however, I have to regard it as the end of the exchange.

I thank all colleagues who have taken part in this debate for their stoicism and forbearance in waiting—in some cases, for very long periods—before having the chance to do so. From my point of view, it was a great privilege to hear colleagues.

Business without Debate

DELEGATED LEGISLATION

EXITING THE EUROPEAN UNION (SCIENTIFIC RESEARCH)

That the draft European Research Infrastructure Consortium (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 29 October, be approved.—(Gareth Johnson.)

Question agreed to.

Health Technology Assessment Charges

Motion made, and Question proposed, That this House do now adjourn.—(Gareth Johnson.)

1.5 am

Anne Marie Morris (Newton Abbot) (Con): I rise to speak about health technology assessment charges in England. I am sad to see that there is not more interest in this debate, even at this very interesting early hour of the morning.

The Government are proposing to charge for technology appraisals undertaken by the National Institute for Health and Care Excellence. The House should understand that for a drug to be fully marketed, it has to go through three stages: it is required to be licensed, to go through NICE and then to go through the formulary. Licensing enables the drug to be certified as doing, in effect, what it says on the tin. The NICE process ensures that it offers good value for money and is something the NHS is prepared to make generally available. The formulary is all about endeavouring to ensure that the drug is available locally.

It is not common in other markets for technology appraisals to be charged for. It is not unheard of, as I am sure the Minister will tell me, but in the grand scheme of things, these pharmaceutical companies or life sciences businesses have already put billions of pounds into these particular drugs. As hon. Members will appreciate, there is quite a high failure rate at the first stage for licensing, but by and large, those that get to NICE are fit for purpose and are good value for money, and most of them are eventually passed.

Given the billions that the drug companies have already spent, to ask them to pay for this approval process, which is for the benefit of the NHS, seems a little churlish. Hon. Members may ask, given that the amount to be raised will be £10 million—with the cost for a single technology appraisal at £126,000 and a highly specialised appraisal of the same amount—whether this really matters. The answer is yes, it does. This is not a comment on NICE. NICE is incredibly well respected. It is a global leader in what it does. It makes very high-quality decisions, and it is absolutely clear that if we want to ensure something is fit for purpose and safe, NICE is where we want to go. Indeed, we need more NICE, not less NICE: we need more drugs to be available to patients.

The trouble with what is being proposed is that, while there is undoubtedly a need to look at the cost issues, it sends the wrong message, and that wrong measure will be far more damaging and costly to UK plc and to patients than the £10 million. The balance of risk between the taxpayer and the life sciences or pharmaceutical companies will change, albeit ever so slightly, but that message says that this is not something that we, UK plc, should be incentivising. That is wrong: it goes against the life sciences industrial strategy and against any recognition of the competition out there.

There is huge competition. The United Kingdom has some of the best brains in the world, but increasingly, because of the challenge of getting the drugs to market, competitors are looking at incubating in the UK, where we have the expertise, but when marketing and taking a drug to a competitive position, going to the USA or
Japan, and failing that, Germany or France. What might seem a small figure is sending out the message, “Don’t invest here”.

Following Brexit, that is absolutely the wrong message. The sector could—and should—be a real source of this country’s growth post Brexit. It needs to grow: it can and must grow. We must send a strong message that we want people and businesses to invest in the UK to develop the medicines that we need and, most importantly, to ensure that the UK citizen has the best access to the best drugs in the world.

We then have to examine the NHS’s duties when it considers approvals for drugs. It has at least four duties. The first is to provide equal access to NHS facilities, irrespective of cost. The second is to promote research. The third is to take account of research and development costs when making decisions. The final duty is the family test to ensure that its actions respect the impact on the whole family of approving or not approving a drug.

The challenge with equal access is that the unmet need is for often expensive therapies and pharmaceuticals for very small patient groups. Increasingly, those new therapies are being developed by start-ups—new companies that focus on one particular disease area. Doubtless the Minister will say, “What if those small companies were offered a reduced rate, cut by 25%?” Frankly, that is the proverbial drop in the ocean. The negative message is still there. I am sure that the Minister will remind me that those small companies can phase payment. The problem is that that is front-loaded. The Minister will then no doubt say that there is the potential—as, when and if NICE decides not to proceed—of reimbursement. However, by that stage, most of the money—the equivalent of the £126,000—will have already been spent. It is a nice idea, but it does not work in practice.

The NHS has committed to promoting research, but as I have already mentioned, there is huge competition from America, Japan, Germany, France and many others. Not only will those who incubate here go to those countries to commercialise, develop and market that product, but in those countries, it is quicker, cheaper and easier to get to market. We are talking about businesses—those are business decisions—so why would they not do that? Sadly, we are no longer the first choice of place to commercialise, sell and market drugs. We are often the second, third and even fourth choice. We cannot afford to lose pharmaceutical companies and investment. Compared with that, the £10 million the Government are looking to gain is a drop in the ocean. Post Brexit, we must do everything we can, in the interests of patients and our life sciences industry, to support our companies and ensure that they can continue to grow.

We must look at taking into account R&D costs. They are going up, not down. It is not clear from the regulations how many times the fee has to be paid, because there are several parts to those processes and there are also appeals processes. The other peculiar part of the way in which this has been shaped is that the charge applies only to medicines. It does not apply to medical devices and diagnostics, so it does not apply across all the possible cures that go through NICE. Are the pharmaceutical companies supposed to pick up the costs for medical devices and diagnostics, too? That does not seem right or fair.

Finally, there is the family test. The family will obviously be impacted by what happens to a member of it. If one member is suffering from something very acute, very rare and very debilitating, that will have a huge impact on the family members and the carers of that individual. The win in sorting this out is much greater than just that individual.

I propose to the Minister that none of the tests, to which the NHS has committed, has been met. Clearly, I would be with the Minister and the Government in saying that costs are an issue, but that is not the answer. Clearly we must look at ways of finding the money to produce more for less, but there are many other ways of doing that. Let us look instead at removing bureaucracy, improving efficiency and avoiding the duplication we see because of the three-part process of getting drugs licensed so they do what they say on the tin, going through the NICE process to see whether the Government and the NHS are prepared to ensure that they are readily available and, finally, going through the formulary process.

I submit that what we need to do is look at licensing, the NICE process, baseline commissioning and formulary decisions in the round. Let us look across those processes and cut out the duplication which other countries have achieved so successfully. I submit that we should not, in the best interests of patients and the country particularly post Brexit, introduce the regulations in April next year. We should look again at the broader issue and at all the processes in the round, and instead make this part of the NICE methodology review, which is due next year. Let us consult on efficiency and effectiveness, not just cost reduction.

We want more drugs assessed, not fewer. We want it done faster. We want it to be more efficient. We want it to be more effective and we want to make sure that UK patients get the benefit of lifesaving medicines more quickly than others. We need to strengthen the life sciences sector. We need to encourage investment in the UK. I say to the Minister, “Do not introduce the regulations. Think again.”

1.17 am

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): Mr Speaker, you are remarkable for sitting here for all this time. I share the admiration for you, if not your football team after Sunday afternoon. Less said about that the better. I cannot even believe I have raised it. I know that you will have been there and will have enjoyed it. I just have to take my hat off to the 4-2 score. The return leg will come.

I am disappointed that only you, Mr Speaker, my Parliamentary Private Secretary, the Whip and my hon. Friend the Member for Newton Abbot (Anne Marie Morris), who introduced the debate, and I are here. An Adjournment debate without the hon. Member for Strangford (Jim Shannon) is a rare thing. I can only feel that he will come running in at any time.

I have been asked to reply to the debate on behalf of the Under-Secretary of State for Health, Lord O’Shaughnessy, who sits in the other place and has responsibility for this policy area. I take a keen interest in it, as he knows. My hon. Friend the Member for Newton Abbot has a keen interest in this matter, both
on behalf of her constituents and in her capacity as chair of the all-party group on access to medicines and medical devices, which I know she chairs with aplomb.

The main thrust of my hon. Friend’s remarks was about the charging process the NICE has proposed, but let me reiterate to the House that the Government are committed to ensuring that patients can benefit from rapid, consistent access to effective new treatments. It is always important to say that in these debates. NICE plays a key role in this aim, through its technology appraisal and highly specialised technologies programmes. Through both programmes, NICE produces authoritative evidence-based guidance on whether drugs and other treatments should be funded by our NHS. Where NICE recommends a treatment as value for money, the NHS is required to make funding available, so that the treatment can be provided when it is clinically appropriate for a patient. That is reflected in the NHS constitution as a right to NICE-approved treatments, as it should be. Since it was established, NICE has recommended around 80% of the drugs that it has assessed. Many thousands of our constituents have benefited from access to effective new treatments as a direct result of its guidance.

Over almost 20 years, NICE has gained a firm reputation as a world leader in its field, and I was pleased to hear my hon. Friend talk about wanting more NICE. When I travel around—at the G20 last month, for instance—and talk to fellow Ministers, they are always respectful about and look with some envy at what NICE achieves as an organisation. If we did not have it, we would have to invent it, so it is crucial that the methods and processes for making recommendations continue to evolve and develop to meet new challenges. I totally take my hon. Friend’s point about the NICE methodology review next year. These issues will be talked about within that process, of course.

My hon. Friend talked at length about charging. We think it extremely important that we have a system such as NICE in place to ensure that the NHS spends its money—public money, our constituents’ money—in the most effective way possible. It is critical that NICE’s work operates on a sustainable footing in a way that enables it to continue to be responsive to developments in the all-important—I completely agree with what my hon. Friend said—life sciences sector.

To date, NICE’s technology appraisal and highly specialised technology programmes have been funded through the resources that it receives from Government. However, in common with all Government bodies, it is right that NICE considers how to operate with maximum efficiency, as well as who stands to benefit from the services that it provides. My hon. Friend is absolutely right to talk about the robustness of how it spends money and looking at efficiencies across the board. As she rightly points out, that is why it will be doing its methodology review and why it does that regularly. It is also essential for us that NICE continues to be able to respond to continuous change in the global life sciences market—it is a global market, of course—whether with the ever-growing movement towards personalised medicine or an increasing number of medical devices and digital products.

For that reason, the Government and NICE believe that the most appropriate and sustainable method for NICE’s appraisal programmes in future is for NICE to charge the companies that benefit directly from its recommendations. This is not without comment and controversy, as we have heard this evening, but it also has support. To this end, the Government carried out a public consultation between 10 August and 14 September on proposed changes to regulations that would enable NICE to charge companies for the cost of making technology appraisal and HST recommendations. The consultation followed extensive engagement by NICE with the life sciences industry on a possible charging model. During that engagement, NICE heard clearly from companies that it would be important to ensure that there was some mechanism for minimising the impact of charges on small companies—my hon. Friend rightly referred to that—wanting the NHS to invest in their innovative and effective new products.

The Government are committed to ensuring that there is appropriate support for small businesses—I do not know whether my hon. Friend saw my speech before the debate, but she seemed to know a lot of what was in it—and she is right that this was reflected in the Government’s recent consultation that proposed a small discount for small companies and provision for small companies to pay by instalments. That was in there, too. We are especially keen in the response to pitch this right as we move from the consultation to the Government response. That is probably as much as I can say about that, but I repeat: we are keen to pitch that right for small companies and have listened to responses, including from my hon. Friend, to that consultation. It also gave a clear commitment to reviewing the charging mechanisms over time to ensure that they are fit for purpose and respond to developments in the life sciences sector.

We received 78 responses to the consultation from a range of audiences, including the life sciences sector, the NHS, patient groups and professional groups, as well as my hon. Friend. Friend through the all-party group. A range of issues were raised in response to the consultation, such as NICE’s impartiality and the impact on drugs for rare diseases, as well as potential impacts on small companies. I was over the road at the Britain Against Cancer conference today talking, for instance, to CancerS2, which represents people with rarer cancers, so that is very important to me as the cancer Minister.

It would not be appropriate for me to pre-empt the Government’s response to the consultation, and I do not intend to do that this morning, but I can assure the House that the Government have been carefully considering all the issues raised and agree that any charging mechanism must include appropriate support for the small companies, while protecting the impartiality and benefit of NICE’s work to patients and, as my hon. Friend rightly says, the global nature of this business and the great opportunities in this sector from Brexit.

We will publish our response to the consultation very shortly. The Under-Secretary of State for Health, Lord O’Shaughnessy, has invited my hon. Friend to meet to go through these proposals in detail and discuss her response to the consultation. As chance would have it, I understand that the appointment went in the diary today—just before today’s debate. Who would have thought it? That is happening this Thursday.

Anne Marie Morris: Would it be right to say that the consultation assumed there would be a charging mechanism and that it was not about whether but about how?
Steve Brine: Yes, the consultation was about how, but we are listening very carefully to the “how”.

As my hon. Friend said, Members have expressed concern that the introduction of the charging mechanism will make us a less attractive country in which to invest. We are committed to ensuring that the UK is an attractive environment for the life sciences sector. Sir John Bell’s life sciences industrial strategy published last year set out the sector’s vision for how we will do that, and we fully support the strategy’s vision. We have committed £500 million of Government money, and that has been backed by significant investment from 25 different organisations across the sector. Strong progress has been made on that sector deal, therefore, and one year on we are working with partners to agree the second sector deal with the new measures to secure our lead in the areas of global opportunity.

Anne Marie Morris: I thank the Minister for answering my last intervention so honestly. Given that the last consultation was not about the “whether” but about the “how”, may I ask if there was ever a consultation on whether this was the most appropriate way to ensure better value and more money for NICE to develop more medicines more efficiently?

Steve Brine: Not to the best of my knowledge, but this will of course continue through the NICE review process next year, and I have no doubt that my hon. Friend will be able to discuss this at great length with Lord O’Shaughnessy on Thursday.

I stress that the Government share the views that we have heard today about the vital importance of NICE’s work and about protecting the UK’s place in this important sector, which a lot of people work in and which—more importantly—a lot of patients rely on. That is why we want to ensure that NICE can continue to develop its recommendations with the same authority, transparency and impartiality that have been the backbone of what is a world-leading organisation with a world-class reputation.

Question put and agreed to.

1.28 am

House adjourned.
Oral Answers to Questions

WALES

The Secretary of State was asked—

Drug-related Crime

1. Mary Glindon (North Tyneside) (Lab): What recent discussions has he had with the Home Secretary on drug-related crime in Wales.

Nigel Adams: The Chair of the National Police Chiefs’ Council warned that relying on local taxpayers while slashing funding from Westminster will mean tough choices about priorities for many local forces. Surely rising drug-related crime should be a priority. Will the Minister commit to fighting for more central Government funding for the police in Wales, so that they can effectively tackle those particular crimes?

Mary Glindon: The chair of the National Police Chiefs’ Council has warned that relying on local taxpayers while slashing funding from Westminster will mean tough choices about priorities for many local forces. Surely rising drug-related crime should be a priority. Will the Minister commit to fighting for more central Government funding for the police in Wales, so that they can effectively tackle those particular crimes?

Nigel Adams: I thank the hon. Lady. Lady for her question and for all her work in the all-party groups on this issue. I know the subject is close to her heart.

We understand that police demand is changing and complex. That is why, after speaking to all forces in England and Wales, we have provided a comprehensive settlement that is increasing total investment in the police system by more than £460 million in 2018-19.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Diolch yn fawr, Mr Llefarydd. Croesawaf y Gweinidog newydd. I welcome the new Minister to his place. The Minister will be aware that last night the National Assembly for Wales supported a Plaid Cymru motion to reject his Government’s deal. What, if any, attention will he pay to that crystal-clear mandate from Wales? Will he make representations to secure an official say for our nation on the European Union (Withdrawal Agreement) Bill, assuming we even get to that stage?

Nigel Adams: That was a rather creative way of bringing in a question about Europe under drug-related crime. However, I remember that the Welsh population voted to leave.

Mr Speaker: I am sure that the hon. Lady will seek to render her inquiry more relevant and apposite to the context of the question on the Order Paper. I feel sure that that is not beyond her creative genius.

Liz Saville Roberts: The debate in my country is how to deal with crime post Brexit and the challenges that we face, with drug crime in their midst. None the less, I feel that I must explain the answer. Yesterday the Welsh Assembly voted in favour of a Plaid Cymru motion to reject the withdrawal agreement of the Minister’s Government. In addition, the Government’s own chief Brexit adviser admitted on Monday that the Joint Committee outlined in the withdrawal agreement and the political declaration will not include representatives from the devolved nations. What will he and the Secretary of State do personally to rectify that deficit of representation with the Prime Minister?

Nigel Adams: The Joint Ministerial Committee does in fact involve members of the Welsh Government, so I am not entirely on the same page as the hon. Lady.

Jo Stevens (Cardiff Central) (Lab): Drug-related crime across the South Wales police force area has gone up month on month from September 2017 to September 2018 by more than 22%. What discussions with Home Office colleagues has the Minister or the Secretary of State had since the summer recess about additional funding for the South Wales police in recognition of the fact that it is policing a UK capital city?

Nigel Adams: The hon. Lady raises a good point. This Department is talking constantly with our colleagues in the Home Office, in particular on policing matters. I remind her politely of the increased, comprehensive settlement that we agreed to three or four months ago, which will see almost half a billion pounds in 2018-19 for policing.

Chris Ruane (Vale of Clwyd) (Lab): As police numbers have plummeted, drug-related crime has rocketed, especially on county lines. Drug lords enforce their vile trade with knives and guns. Knife crime is half the level in Wales that it is in England; nevertheless, in the past year alone, there has been a 30% increase in knife crime in Wales. Do the Minister, the Secretary of State for Wales and his Cabinet colleagues share any responsibility for that, and what will they do about it?

Nigel Adams: It is incredibly important that we work together closely in this area. The hon. Gentleman makes some valid points about the types of crime, and that is why we must also work collaboratively with our police and crime commissioners. I know that he has a good relationship with the North Wales police and crime commissioner. Although this is a reserved matter, we are determined to work closely with Wales and ensure that the right resources are available, particularly in the case of county lines problems, which do not respect borders.

Extreme Poverty and Human Rights

2. Alan Brown (Kilmarnock and Loudoun) (SNP): What discussions he has had with the Secretary of State for Work and Pensions on the findings of the UN Special Rapporteur on extreme poverty and human rights in relation to poverty in Wales.
12. Peter Grant (Glenrothes) (SNP): What discussions he has had with the Secretary of State for Work and Pensions on the findings of the UN Special Rapporteur on extreme poverty and human rights in relation to poverty in Wales.

13. Marion Fellows (Motherwell and Wishaw) (SNP): What discussions he has had with the Secretary of State for Work and Pensions on the findings of the UN Special Rapporteur on extreme poverty and human rights in relation to poverty in Wales.

14. David Linden (Glasgow East) (SNP): What discussions he has had with the Secretary of State for Work and Pensions on the findings of the UN Special Rapporteur on extreme poverty and human rights in relation to poverty in Wales.

The Secretary of State for Wales (Alun Cairns): I regularly speak with my Cabinet colleagues on a host of issues affecting Wales. Prosperity in Wales is my No. 1 priority. It is crucial that those experiencing poverty get the support that they need and that no one is left behind. We will consider the interim report’s findings carefully.

Alan Brown: It is good to hear that the Secretary of State will consider the report. The UN special rapporteur praised the Scottish Government for what they are doing to mitigate the austerity cuts from the Tory Government, but he also noted that the powers of the Welsh Government are limited in that respect. What representations has the Secretary of State had from the Labour Welsh Government about getting additional powers to mitigate that and implement welfare in a fairer manner?

Alun Cairns: The hon. Gentleman raises an important point about the devolved settlement. He will be well aware that the Wales Act 2017 passed through this House not so long ago, but at no stage were there any calls to devolve functions from the Department for Work and Pensions or to devolve welfare, because of the volatility that that creates on the budget.

Peter Grant: The rapporteur found that one in four jobs in Wales does not pay enough for people to live on, and that Wales has the worst record of relative poverty of any of the nations and regions of the United Kingdom. Does the Secretary of State believe that the people and the workers of Wales deserve better than that? Will he accept that in-work poverty is a serious problem in Wales, and will he tell us what he is doing to address it?

Alun Cairns: There are two points that I would make. There were some factual errors in the report, which may well undermine the conclusions, but of course we will respond fully in due course. On the hon. Gentleman’s specific point, I point to the sharp increase in payments from the national living wage, as well as the increases in the personal allowance. As a result, the inequality gap between people who have and people who do not have is at a record low level.

Marion Fellows: The UN special rapporteur highlighted that low-paid, part-time or insecure jobs are often taken up by women, because of difficulties in balancing work and the disproportionate impact of caring responsibilities. These are, of course, often the women who have been adversely affected by this Government’s increase in the state pension age. Can the Secretary of State explain just how the Government are working for the women of Wales?

Alun Cairns: I am grateful to the hon. Lady for highlighting women and employment, because there are 63,000 more women in employment in Wales than there were in 2010. I also point out to her the record fall in unemployment. Reducing unemployment is the best way out of poverty, and unemployment in Wales is 3.8% whereas across the UK it is 4.1%. There will not be many times in history when unemployment in Wales is lower than the UK average.

David Linden: The list of countries that have received this kind of criticism is fairly small, and I think the UK Government should be absolutely ashamed to find themselves on that list. The reality is that people in Wales are in the difficult position of having an uncaring British Government and a Labour Government in Wales that are abdicating responsibility. Is it not the case that the only way that Wales can be a fair country is with the normal powers of independence?

Alun Cairns: It is interesting to hear that point made by a Scottish Member of Parliament, when that is not the view in Wales. As I said in relation to the report, I hope that the hon. Gentleman recognises that poverty rates are lower than they were in 2010, and unemployment in Wales is lower than the UK average. There are more men in work, there are more women in work and the economy in Wales is growing faster than in any other part of the UK.

Kevin Foster (Torbay) (Con): I know that the Secretary of State will agree that one way of tackling poverty in Wales is the growth of more high-skill, high-paid jobs, like those in the aviation and tech sectors around Bristol. Does he agree that the policies that the Government are putting in place to spread the benefit of that growth across southern Wales are exactly what is needed to tackle some of the challenges that have been identified?

Alun Cairns: My hon. Friend raises an important issue and points to some of the policies that we are developing to tackle the root cause. Universal credit is making a significant difference, and I would highlight the growth deals that we are promoting across the whole of Wales. Wales is the only nation of the United Kingdom that will have a growth or a city deal in every part.

David Hanson (Delyn) (Lab): Figures released this week show that one in five of my constituents has used a food bank in the past three years. Does the Secretary of State think that that is anything to do with the fact that Flintshire was one of the first areas in the roll-out of universal credit?

Alun Cairns: The right hon. Gentleman makes an important point. He is well aware that there are myriad complex reasons why people turn to food banks. That was one of the conclusions of the all-party parliamentary group. Food banks have a key role to play in bringing
back into the state welfare system people who, for a range of reasons, have fallen out of it. I am a strong supporter of my food bank and food banks across the whole of the UK because of the part that they can play.

Benefits Changes

3. **Rosie Cooper** (West Lancashire) (Lab): What discussions he has had with Cabinet colleagues on the effect on people in Wales of recent changes to welfare benefits. [907938]

**Nigel Adams**: Our welfare reforms are incentivising work and supporting working families. The unemployment rate in Wales is at a record low. At the Budget, my right hon. Friend the Chancellor announced new policy changes as it rolls out.

**Rosie Cooper**: Perhaps the Minister could explain why the Government are determined to press ahead with managed migration in the face of the advice of more than 80 disability organisations, the Resolution Foundation and the National Audit Office that they should not do so until they have fixed the major flaws in universal credit and can cope with much greater claimant volumes.

**Nigel Adams**: I thank the hon. Lady for all the work she does in this area. I understand that she chaired a Disability Confident meeting last week. These are very important things for hon. Members to get involved with. We do not underestimate the challenge that managed migration could present, and we are working very closely with all stakeholders to design the best solution. We are keeping our options open on the design, and we are committed to keeping the House updated.

**Hywel Williams** (Arfon) (PC): First, may I say that I am very glad that Welsh people will now be able to claim universal credit online, just like everybody else, through the medium of Welsh? Department for Work and Pensions staff had a very complicated task in fixing the faulty system. Will the Minister tell us how the House what he is doing to fix the other problems relating to universal credit that people in Wales are suffering from, such as the unfair and oppressive two-child policy?

**Nigel Adams**: I thank the hon. Gentleman for the work he has done. I am very pleased that the Welsh language version of the universal credit system was rolled out last week, I believe. Hopefully it is working well, and we will continue to monitor it. Of course, this is a huge transformational project, and it is absolutely right that, on occasion, we pause, reflect and make sure we get the system right. Fundamentally, I agree with the Secretary of State for Work and Pensions, who said that universal credit is a force for good.

**Anna McMorrin** (Cardiff North) (Lab): My constituent has 10-month-old twins and has not been paid universal credit for two months. She is at risk of homelessness and is using food banks. How are the Government responding to the recent judicial review on the impact of assessment periods, and what can the Minister say to my constituent and others who are suffering like her?

**Nigel Adams**: The hon. Lady will be aware that I cannot comment on an individual case. I am sure that if she raises her constituent’s case with the Department, she will get a response. As I said earlier, this system is a huge transformational project, and we must learn as we go along. It is designed to mirror the way in which people in work are paid. There are advances available for anybody who is waiting for their universal credit payment.

Hospital Car Parking Charges

4. **Robert Halfon** (Harlow) (Con): Whether he has had discussions with the Welsh Government on its abolition of hospital car parking charges. [907939]

**Nigel Adams**: I have not discussed this matter with the Welsh Government. Decisions on charges are entirely for the Welsh Government to make, as this is a devolved responsibility.

**Robert Halfon**: The brain injury charity Headway has supported families who have incurred hospital car parking charges of as much as £248 in just seven days. Given that all hospitals in Wales have now abolished hospital car parking charges, will my hon. Friend make representations to the Health Secretary on abolishing them in England too?

**Nigel Adams**: It is clear—everybody in the House will know—that there is no stronger champion of such causes than my right hon. Friend. We allow individual hospitals to take their own decisions in England, assisted by clear guidance. There are potential additional costs of a blanket removal of charging, which could be significant, but we keep our ears open.

**Susan Elan Jones** (Clwyd South) (Lab): When the Welsh Government abolished car parking charges, certain people thought that it was a waste of money. We now know that it has been a great success. Is it not time that the UK Government stopped denigrating the Welsh Government, talked to them a bit more and shared good ideas?

**Nigel Adams**: We are certainly not in the business of denigrating the Welsh Government, as the hon. Lady should know, but we cannot take a one-size-fits-all approach. I have read in the Welsh press in the past few weeks that some free hospital car parks are being used incorrectly by shoppers. We have to be mindful, but I assure her that we are not denigrating anyone.

**Ian C. Lucas** (Wrexham) (Lab): I counsel the right hon. Member for Harlow. Robert Halfon, that this is not a silver bullet to hospital transport issues. In Wrexham Maelor Hospital, car parking is a major issue. The focus should be on providing public transport solutions in public services, and in hospitals in particular.
Nigel Adams: The hon. Gentleman is absolutely right that it is not a silver bullet. Without the correct levels of public transport, the wider solution cannot be delivered. I totally agree with him.

Withdrawal Agreement and Political Declaration: Economic Effect

5. Patrick Grady (Glasgow North) (SNP): What discussions he has had with the Secretary of State for Exiting the European Union on the potential economic effect on Wales of the adoption of the EU Withdrawal Agreement and Political Declaration.

The hon. Gentleman is absolutely right. The Secretary of State for Wales (Alun Cairns): The Government's analysis shows that the deal the Government have negotiated is the best deal available for Welsh jobs and the Welsh economy. That allows us to honour the referendum and realise the new opportunities Brexit will bring.

Patrick Grady: But nobody in Wales voted for Brexit to make them poorer. Perhaps that is why the Welsh Assembly voted to reject the withdrawal agreement last night, as the Scottish Parliament will do this evening. The Minister's Scottish colleagues are going around saying that the vote is needless. Does that not simply demonstrate the contempt that the Government and the Tories have always had for the devolution settlement? They are using Brexit to further undermine devolution.

Alun Cairns: I remind the hon. Gentleman that Wales voted to leave the European Union and that we have an obligation to respond to the demand that came from the referendum. We will continue to work with the Welsh Government in seeking a legislative consent motion to the withdrawal agreement Bill when it goes through Parliament. That is exactly what we gained having worked with them closely in relation to the European Union (Withdrawal) Act 2018. I look forward to continuing to work with them on the Bill.

Tommy Sheppard: Manufacturers and producers in Wales currently have tariff-free access to the European single market of more than 500 million people. The market provides the destination for two thirds of all Welsh exports. Will the Minister explain to me and the W elsh Parliamentary Party how ripping W ales out of the customs union and the single market will improve prospects for those Welsh businesses?

Alun Cairns: The hon. Gentleman should be aware that the deal my right hon. Friend the Prime Minister has negotiated gives the opportunity of tariff-free access with the European Union. It also gives us the opportunity to strike independent trade deals right around the world as an independent trading nation. I am optimistic about our prospects outside the European Union. I wish that optimism was shared elsewhere.

9. Chris Elmore (Ogmore) (Lab): In June, Wales exported £10.2 billion-worth of goods to the EU. The viability of manufacturing in Wales relies on frictionless trade with the EU. The Prime Minister's deal gives no assurances to Welsh businesses—it just gives us buzzwords and more uncertainty—so when will the Secretary of State start doing his job and stand up for businesses in Wales?

Alun Cairns: Last week, I spoke to the Welsh Automotive Forum annual dinner. The sector represents 18,000 employees in manufacturing in Wales. It was strongly supportive of the deal that my right hon. Friend the Prime Minister has negotiated. I wish the hon. Gentleman would appreciate it too.

Owen Smith (Pontypridd) (Lab): The Secretary of State says he is optimistic about Wales's future after Brexit, but can he confirm from the Dispatch Box that Wales is going to be poorer—our GDP will be smaller—if we vote for his deal next week?

Alun Cairns: The hon. Gentleman points to a range of economic scenarios that have been painted, but they do not take into account any response that the Government will make. Of course, a responsible Government will respond to the economic situation as it emerges. I am excited about the prospect of striking free trade deals right around the world as an independent trading nation once again.

Christina Rees (Neath) (Lab/Co-op): I welcome the Secretary of State to his place. On 2 May, the Secretary of State told the House that "we are keen to negotiate to allow for the most frictionless trade possible with the European Union."—[Official Report, 2 May 2018, Vol. 640, c. 300.]

Why does the term “frictionless trade” not appear in the political declaration?

Alun Cairns: I kindly point the hon. Lady to the political declaration, which says "as frictionless as possible". In my mind, that can include frictionless.

Christina Rees: That just is not good enough. The Secretary of State has given his backing to an agreement that does not even mention Wales, let alone protect workers' rights, environmental standards, consumer protections or living standards. Is not the reality that this is a bad deal for Wales that fails to give Welsh people the certainty needed to safeguard jobs and livelihoods?

Alun Cairns: The deal that my right hon. Friend the Prime Minister has negotiated gives us the certainty of access to EU markets, but it also gives us new opportunities to strike trade deals around the world. I say to the hon. Lady that I am not sure what certainty a further referendum would bring, if that is her policy.

Mr Speaker: The hon. Member for St Ives (Derek Thomas) is much preoccupied with the elegance of his tie, by which I am myself duly impressed, but if he wished to shoehorn in the concerns he had in respect of Question 15 now, he could legitimately do so.
15. [907950] Derek Thomas (St Ives) (Con): I appreciate the opportunity, Mr Speaker. Wales has appreciated European funding, as has Cornwall. Can the Secretary of State assure Cornwall and Wales that they will continue to receive money to tackle deprivation?

Alun Cairns: My hon. Friend makes an important point. He allows me to point to the UK shared prosperity fund, which was a manifesto commitment. My right hon. Friend the Chancellor of the Exchequer will outline at the comprehensive spending review the sums of money that will be available, but I am determined to get a much more efficient system that is responsive to the demands and needs of the community. After all, £4 billion has been spent in Wales over the last 16 years and we have not always received the best value out of that. [Interruption.]

Mr Speaker: Order. There is a hell of a lot of noise in the Chamber. The House must hear Tom Pursglove.

Business Growth

6. Tom Pursglove (Corby) (Con): What steps his Department is taking to support the growth of businesses in Wales. [907941]

The Secretary of State for Wales (Alun Cairns): The Government have a host of policies to support businesses in Wales, from tax reductions to city deals and a modern UK industrial strategy. As a result, Wales continues to attract inward investment across all sectors.

Tom Pursglove: As we leave the European Union, we clearly need to promote all parts of the United Kingdom and their fantastic trade potential. How does the Secretary of State plan to harness Wales’s potential, building on the success of the “Great” campaign?

Alun Cairns: I pay tribute to what my hon. Friend does to promote businesses across the whole United Kingdom. He gives me an opportunity to highlight the fact that, in less than two weeks’ time, the tolls on the Severn crossing will be abolished for the first time in 52 years—a major boost to the economy of the south-west of England as well as south Wales.

Ben Lake (Ceredigion) (PC): Question 8, Mr Speaker.

Mr Speaker: The hon. Gentleman can legitimately shoehorn his concern about broadband into this inquiry. Go ahead.

8. [907943] Ben Lake (Ceredigion) (PC): Diolch, Mr Speaker. Many premises in Ceredigion are still waiting confirmation of whether they will be in scope for the next phase of the Welsh Government’s Superfast Cymru scheme. Will the Secretary of State ensure that his Government’s Wales superfast broadband programme and “outside-in” initiative give priority to premises that may find themselves beyond the scope of the Welsh Government’s scheme?

Alun Cairns: I pay tribute to the hon. Gentleman’s concern. Gentleman, who is a strong campaigner in this area. We are determined to work closely both with him and with the Welsh Government to deliver the best broadband possible in the constituency of Ceredigion and in all other parts of Wales. Already, £69 million has been spent, in addition to the gainshare, but there is more that we can do, particularly in linking businesses with broadband. I know that the hon. Gentleman is a strong supporter of that campaign.

David T. C. Davies (Monmouth) (Con): May I, too, welcome the new Minister to the Wales Office, which is now attracting talent from across the whole of the United Kingdom? Does the Secretary of State agree that communications would be much improved if the Welsh Labour Government got on with building the M4 relief road?

Alun Cairns: My hon. Friend makes an extremely important point. I regularly discuss those issues with my right hon. and hon. Friends. I am only sorry that the Welsh Government have not reacted and built that road in response to those calls.

Christian Matheson (City of Chester) (Lab): Business growth in north Wales is being choked off by congestion on the M56, on my side of the border. Will the Secretary of State sit down with the Transport Secretary to work out when it will be upgraded?

Alun Cairns: The hon. Gentleman makes an important point. I regularly discuss those issues with my right hon. and hon. Friends. I am only disappointed that the Welsh Government did not attend the last time we met.

Mr David Jones (Clwyd West) (Con): Businesses across north Wales were delighted with the Chancellor’s Budget announcement of £120 million of funding for the north Wales growth deal. They are disappointed, however, that that announcement has not been followed by a similar announcement from the Welsh Assembly Government. Does my right hon. Friend know when such an announcement might be expected?

Alun Cairns: I am grateful to my right hon. Friend for highlighting that important policy. It is taking some time to negotiate the north Wales growth deal, but as he rightly points out, my right hon. Friend the Chancellor announced £120 million of funding in the Budget statement. We are working closely with the Welsh Government to encourage them to follow the same lines of commitment, and on Friday there will be further meetings to seek to crystallise that.

Mr Speaker: Order. I want to invite the House to join me in warmly welcoming to the Gallery a quite extraordinary, brave and courageous rape victim who has waived her anonymity in order to campaign not merely for her rights, very important though those rights are, but for the rights of all women similarly violated. I am referring of course to Sammy Woodhouse. Welcome to the House of Commons, Sammy. [Applause.]
PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [908021] Mr Philip Dunne (Ludlow) (Con): If she will list her official engagements for Wednesday 5 December.

The Prime Minister (Mrs Theresa May): May I first join you, Mr Speaker, and the whole House in commending Sammy Woodhouse? I think we all recognise, across this House, that for too long it has been difficult for rape victims to speak out. I hope that now, following her example, others will recognise that they will be heard and that proper action will be taken.

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.

Mr Dunne: May I, from the Back Benches, echo your comments, Mr Speaker, and those of the Prime Minister in respect of Sammy Woodhouse?

Does my right hon. Friend believe that today’s announcement of significant investment by the UK life sciences sector to work alongside the NHS, using genomics and artificial intelligence to help diagnose major diseases early, shows that world-class life sciences companies, such as Agilent in my constituency, will continue to invest in the UK to help the NHS improve patient outcomes post-Brexit?

The Prime Minister: That investment of £1 billion is indeed significant. It will deliver a state-of-the-art research and development facility in the UK and support 650 jobs. It is absolutely right to say that that shows the opportunities available to the UK post-Brexit. It also shows the advantage of our industrial strategy, with AI right at the heart of it, recognising the importance of AI in the health sector in the future. This is a very significant investment. It will support jobs and other employment in the UK, and it will support our economy in the future.

Jeremy Corbyn (Islington North) (Lab): I join you, Mr Speaker, and the Prime Minister in welcoming Sammy Woodhouse to Parliament today. It is an act typical of your generosity to refer to her presence in the Gallery today, so that others may be emboldened to deal with the horrors of the rape crisis we face.

I also express our sympathies to the family of Luke Griffin from Merseyside, who was killed in Kabul last week alongside five fellow G4S workers who were Afghan nationals. Luke had previously served in 16th Regiment, Royal Artillery.

While we debate the critical issue of Brexit, we must not neglect the crisis facing millions of people across our country. Last week, I wrote to the Prime Minister about the scathing report by the UN special rapporteur on this Government’s brutal policies towards the poorest in Britain. As of now, I have received no reply from the Prime Minister. When she read the report, what shocked her more: the words the UN used, or the shocking reality of rising poverty in Britain?

The Prime Minister: We have been clear, and my right hon. Friend the Secretary of State for Work and Pensions has been clear, that we do not agree with the report—

[Interruption.] No, we do not agree with this report. What we actually see in our country today is absolute poverty at record lows, more people in work than ever before, youth unemployment almost halved and wages growing, and that is because of the balanced approach that we take to our economy—a Conservative Government delivering for the British people.

Jeremy Corbyn: It could be that the Prime Minister does not agree with the report because it contains an unpalatable truth. The new Work and Pensions Secretary seems to have taken lessons from her and created a hostile environment for those who are claiming benefits. One of the Government’s policies which is causing the greatest anxiety and poverty is universal credit. The UN rapporteur, Professor Alston, said it was “fast falling into universal discredit”.

When will the Prime Minister demonstrate some of her professed concern about burning injustices and halt the roll-out of universal credit?

The Prime Minister: We have exchanged on this issue of universal credit before—

[Interruption.] Oh, the shadow Foreign Secretary, from a sedentary position, says that we have not done anything about it. What we have done is made changes as we have rolled out universal credit, but I am afraid we had a Labour party that would not support the changes we were making to universal credit.

We have listened and we have made changes. It is time that the Labour party recognised that universal credit is ensuring that more people are in work in this country, and that absolute poverty is at record lows. That is a system that delivers for people and encourages them into work—a simpler system that is better for the people who need to use it.

Jeremy Corbyn: The Prime Minister might care to cast her eyes over the report from the Trussell Trust, which said that “the only way to prevent even more people being forced to foodbanks this winter is to pause all new claims to Universal Credit.”

The UN also called for the five-week wait to be scrapped. In the coming weeks, universal credit is being rolled out in Anglesey, Blackpool, Milton Keynes and parts of Liverpool, London and Glasgow. There is a risk that people will be left with no money at Christmas. If the Prime Minister will not halt the roll-out of universal credit, will she at least immediately end the five-week wait?

The Prime Minister: The right hon. Gentleman does not quite seem to understand how the system actually operates. No one has to wait for money if they need it. We have made advances—

[Interruption.]

Mr Speaker: Order. We are less than a third of the way through and already there is too much noise on both sides of the House. Members must calm themselves. The questions will be heard, however long it takes, and the same is true of the replies. Please try to get used to that.

The Prime Minister: No one needs to wait for their money if they need it. We have made it easier for people to get advances. We have ensured they can get 100% of
their first month’s payment up front. We have already scrapped the seven-day waiting period. I repeat: what happened when we scrapped the seven-day waiting period? Labour voted against it.

Jeremy Corbyn: It is a loan that is offered for some people.

The Trussell Trust has also pointed out that food banks face record demand this December. I gently say to the Prime Minister and the Members behind her: food banks are not just a photo opportunity for Conservative MPs, all of whom supported the cuts in benefit that have led to the poverty in this country.

Yesterday, research by the Joseph Rowntree Foundation found “in-work poverty is rising” faster than the overall employment rate due to chronic low pay and insecure work. The United Kingdom has the weakest wage growth of all G20 nations. Living standards have fallen for the majority of people. What is so wrong with our economy that our pay growth is so much worse than in each of the other nations in the G20?

The Prime Minister: We now see wages growing faster than they have for nearly a decade. We see employment at record levels. The right hon. Gentleman talks about scrapping universal credit, but what he wants to do is to go back to square one. That means going back to a system that left 1.4 million people spending most of a decade trapped on benefits. It left people paying an effective tax rate of 90%, and it cost every household an extra £3,000 a year. As ever with Labour, it was ordinary working people who paid the price.

Jeremy Corbyn: The chief economist of the Bank of England describes the last decade as a “lost decade” for wages. [Interruption.] The Prime Minister might laugh at this, but it is the reality of people’s lives; it is the reality—[Interruption.]

Mr Speaker: Order. I appeal to Members making too much noise to stop doing so. [Interruption. Order. I very gently say to the junior Member on the Back Bench, who is making far too much noise, that he is ordinarily a good-natured and genial chap—I am referring to the hon. Member for Hexham. Mr Opperman, you can do so much better; try to be a well-behaved citizen today. [Interruption.] Well, possibly like some others, but there are quite a lot of badly behaved people. Try to set a better example, Mr Opperman—you are a Minister of the Crown.

Jeremy Corbyn: Two years ago, a United Nations committee found this Government’s policies towards disabled people represented “a grave and systematic violation” of their rights. Does the Prime Minister think that situation has improved in the past two years?

The Prime Minister: First, in answer to the right hon. Gentleman’s latter point, it is this Government that have a key commitment in relation to helping disabled people get into the workplace. There are too many disabled people who have felt that they have not been able to do what they want to do—actually getting into the workplace and earning an income for themselves and their families. It is this Government who are helping. The Disability Confident arrangements that the former Secretary of State for Work and Pensions put in place are doing exactly that.

However, the right hon. Gentleman started off his comments by referencing the last decade. Yes, the last decade has meant that difficult decisions have had to be taken, but why did those difficult decisions have to be taken? They were taken because of the Labour party’s mismanagement of the economy. Remember, remember the letter from the right hon. Member for Birmingham, Hodge Hill (Liam Byrne): under Labour, there is no money left.

Jeremy Corbyn: When I hear a Prime Minister talking about difficult decisions, what always happens afterwards, in these contexts, is that the poorest in our society lose out. Some 4.3 million disabled people are now in poverty; 50,000 were hit by appalling cuts to the employment and support allowance benefit alone last year. This Government labelled disabled people as “scroungers” and called those unable to work “skivers”—[HON. MEMBERS: “Withdraw!”]

Mr Speaker: Order. Calm—[Interruption. Order. I do not need any advice from the Home Secretary. He should seek to discharge his own obligations in his office to the best of his ability; I require no advice from the right hon. Gentleman on the discharge of mine. Be clear about that.

Jeremy Corbyn: This Government also created a hostile environment for the Windrush generation. When the UN rapporteur said: “British compassion for those who are suffering has been replaced by a punitive, mean-spirited, and callous approach”, he could not have summed up this contemptible Government any better. Child poverty is rising; homelessness—rising; destitution—rising; household debt—rising. When will the Prime Minister turn her warm words into action, end the benefit freeze, repeal the bedroom tax, scrap the two-child cap and halt the roll-out of universal credit?

The Prime Minister: The right hon. Gentleman referred to the poorest losing out. I will tell him when the poorest lose out: it is when a Labour Government come in. [Interruption.]

Mr Speaker: Order. The finger pointing, yelling and braying must stop. I understand that passions are running high, but on both sides of the House we need some sense of decorum.

The Prime Minister: When the poorest lose out, it is when a Labour Government come in. What have this Government done? We have introduced the national living wage—Conservatives, not Labour. We have taken millions of people out of paying tax altogether—Conservatives, not Labour. Under this Government, 3.3 million jobs have been created. Every Labour Government leave office with unemployment higher than when they went into office. What do we see under this Government? Our economy is growing, employment is rising, investment is up, we are giving the NHS the biggest single cash boost in its history, taxes are being cut and wages are rising. Labour would destroy all that. It is this Conservative Government who are building a brighter future for our country.
Q6. [908026] Helen Whately (Faversham and Mid Kent) (Con): As my right hon. Friend knows, none of us looks forward to a smear test, but it can make the difference between life and death. Worryingly, nearly a third of women are missing out on cervical screening. Can I ask my right hon. Friend what steps she and her Government are taking to make sure that more women get tested and do not suffer the terrible consequences of picking up cancer too late?

The Prime Minister: I am grateful to my hon. Friend for raising what is an important point. We do recognise that we need to do more to encourage women to undertake cervical screening tests. In October, we announced a package of measures that will be rolled out across the country, which has the aim of seeing three quarters of all cancers detected at an early stage by 2028. That will see a radical overhaul of the screening programmes, and they will be made more accessible and easier to use.

But I just want to give this very simple message, and I am able to do so standing at this Dispatch Box: smear tests are not nice. All those of us who have had smear tests recognise that they are not nice. But they are important. If you want to see cancer detected early, have your smear test. A few minutes of discomfort could be saving your life.

Ian Blackford (Ross, Skye and Lochaber) (SNP): May I thank you, Mr Speaker, for your words of welcome to Sammy Woodhouse, a very brave woman who has done the right thing in waiving her anonymity? We must all call out crimes of sexual violence and those responsible. Sammy Woodhouse, a very brave woman who has done the right thing in waiving her anonymity? We must all call out crimes of sexual violence and those responsible. Sammy Woodhouse, a very brave woman who has done the right thing in waiving her anonymity? We must all call out crimes of sexual violence and those responsible.

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Ian Blackford: That is an incredibly disappointing response from the Prime Minister. The facts have had to be dragged out of this Government by Parliament. This morning, we have seen the detail of the legal advice. We have seen the fact that the Government tried to hide—this Government are giving Northern Ireland permanent membership of the single market and the customs union.

The legal advice is clear. It states:

“Despite statements in the Protocol that it is not intended to be permanent,...in international law the Protocol would endure indefinitely.”

Since the Prime Minister returned from Brussels with her deal, the Prime Minister has been misleading the House, inadvertently or otherwise. The Prime Minister must explain—
The Prime Minister: I absolutely recognise the concern raised by my hon. Friend, and people are often concerned when they see proposals for development in their areas. However, we need to build the homes that the country needs, so that everyone can afford a decent, safe place to call their own, and we must help more people on to the housing ladder. Young people today worry that they will not be able to get on the housing ladder, and I am sure my hon. Friend shares my determination to ensure that they are able to do so. I am pleased that in the past year we have delivered more than 222,000 new homes—the highest level in all but one of the past 31 years—and I am sure my right hon. Friend the Secretary of State for Housing, Communities and Local Government will be happy to meet my hon. Friend to discuss his local issue further.

Q2. [908022] Stewart Hosie (Dundee East) (SNP): Every Brexit scenario that the Government have modelled suggests that GDP growth will fall, and it falls further once the impact of ending freedom of movement is factored in. The Prime Minister continues to pretend that ending freedom of movement is a good thing, but it is a bad thing. Why is she prepared to take from our children and grandchildren the ability to travel freely throughout Europe, and why is she doing it in a way that is economically illiterate?

The Prime Minister: What the analysis actually shows is that outside the European Union, the best deal available in relation to our economy, and which delivers on leaving the European Union, is the deal on the table—the deal I have negotiated with the European Union. When people voted to leave the European Union, one issue they voted on was bringing an end to free movement once and for all, and that is what the Government will deliver.

Q12. [908032] Alex Chalk (Cheltenham) (Con): In its November survey, local homelessness charity P3 recorded two rough sleepers in Cheltenham—that is two too many, of course, but it is a dramatic reduction on the previous year. Does my right hon. Friend agree that that shows the value of social impact bonds that provide vital one-on-one support to people with complex needs, and will she support and congratulate the vital work of charities CCP and P3 that make such a difference to vulnerable people in our communities?

The Prime Minister: My hon. Friend raises an important issue. We are all concerned about rough sleepers, but as he says, it is finding the solutions and ways through that is important. I commend him for his excellent work in campaigning on the issues of homelessness, rough sleeping and social impact bonds, and I congratulate P3 and CCP in Cheltenham. The rough sleeping social impact bond, which is designed to support individuals who have spent a long time within the homelessness system, and to reduce rough sleeping in the long term by helping people to access the support and services they need, is an important step forward. I congratulate those organisations on the work they have done in my hon. Friend’s constituency.

Q3. [908023] Kevin Brennan (Cardiff West) (Lab): Point 6 of the Attorney General’s legal advice shows that the Prime Minister has breached her red lines not only on the single market, but also on customs. Does that mean that it is even less likely that her deal will pass through this House? Constitutionally, that should mean a general election, but if not, is the way to resolve this issue to have a public vote on the Prime Minister’s deal? Why can’t she see that, and why can’t she say that?

The Prime Minister: If the hon. Gentleman looks at the arrangements we have in place for the future relationship between the United Kingdom and the European Union, it is clear that we will not be in the single market and we will not be in the customs union, and we will continue to work for frictionless trade at the border. What we will have is an ambitious trade agreement unlike any that has been given to any other advanced economy—the most ambitious trade agreement that any advanced economy has with the European Union. That is good for this country, and good for jobs in his constituency.

Q15. [908035] Mrs Pauline Latham (Mid Derbyshire) (Con): All young people now have to stay in education or training until they are 18. Is it not time that we raised the age of marriage in this country from 16 to 18, as we ask other countries to do?

The Prime Minister: I think the number of people marrying in England and Wales at 16 or 17 is very small, and actually continues to decline. We have not seen any evidence of failings in the existing protections for people marrying in England and Wales at 16 to 18 with the appropriate consents, but we continue to keep this under review. My noble Friend Baroness Williams said back in September that we will look at whether there is any link between parents giving consent when girls are aged 16 or 17 and instances of forced marriage: that may be one of the concerns behind the point that my hon. Friend makes. We will specifically look at that issue.

Q4. [908024] Alison McGovern (Wirral South) (Lab): The Prime Minister knows that in March 2017, New Ferry in my constituency was devastated by a huge explosion, and many people were injured. I raised this with her in Prime Minister’s questions, and she said that the community would get support to recover. After 18 months of struggling, her Secretary of State has written to me to say that New Ferry will get no such support from her Government. Was I wrong to take her at her word, or were my constituents right when they said that when it comes to helping people, you can never trust the Tories?

The Prime Minister: I think the hon. Lady knows of incidents when people in her region have been able to trust the Tories. [Interruption.] She knows. Let us look at the explosion in New Ferry. It was clearly devastating. It clearly impacted both residents and businesses, and I did, as she said, make a commitment to look at it. I will look at the letter that she received from the Secretary of State, because my understanding was that the Ministry of Housing, Communities and Local Government was encouraging Wirral Council to apply to a range of funding streams for various sums of money that would have been available, and that it asked Homes England to work with the council on its regeneration plans and had made money available in response to that. However, I will certainly look at the letter to which she refers.
Mr Charles Walker (Broxbourne) (Con): I rise from the naughty corner, so I might need your protection, Mr Speaker.

I thank my right hon. Friend for her determined campaigning in the area of mental health, both as Home Secretary and now as Prime Minister. Will she join me in congratulating Sir Simon Wessely, who has just done a review of the Mental Health Act 1983? His findings will be published tomorrow. Sir Simon conducted the review with great good humour, compassion and dignity. Even though this House is so divided on so many issues, it should be united on this report.

The Prime Minister: My hon. Friend is absolutely right. Mental health, and how we look at the Mental Health Act, is an important issue that I hope will unite people across the House in recognition that we were right to have this review. I am certainly happy to congratulate Professor Sir Simon Wessely on the work that he has done. He has engaged with a wide range and large number of service users and their families, as well as health organisations and professionals, to help shape his recommendations. I certainly look forward to reading them. We obviously commit as a Government to coming forward with legislation in due course. This is an important area. We should all get behind this, because we need to ensure that we are delivering for those people in our country who suffer from mental health problems.

Q5. [908025] Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): As the Dounreay nuclear site in my constituency continues to decommission, the issue of high-quality replacement jobs is hugely important—in fact, it is crucial. I therefore welcome Her Majesty’s Government’s decision to locate the UK’s first vertical take-off rocket launch site in the north of my constituency. I give credit where it is due, Mr Speaker. Will the Prime Minister ensure that the maximum possible number of jobs arising from the site will be located locally, in north Sutherland and Caithness, and not somewhere much further south?

The Prime Minister: I thank the hon. Gentleman for his remarks about the Government’s decision. This is an exciting opportunity for the United Kingdom to take a leading role in the new commercial space age. He has referenced the new spaceport and the ambition we have for it. I understand that, following a report by the local crofters association, Highlands and Islands Enterprise is moving ahead with its plans, which could create 40 skilled jobs locally in spaceport construction and operation. I recognise the importance of the skilled jobs he is talking about locally. This is a real opportunity for his constituency, but it is also an opportunity for the UK to be at the leading edge of this technology.

Sir William Cash (Stone) (Con): The motion relating to the Attorney General that was passed yesterday related to the whole agreement, not just to the question to which the letter that has now been published relates, which is exclusively the protocol on Ireland and Northern Ireland. Given that the ministerial code states: “The Law Officers must be consulted in good time before the Government is committed to critical decisions involving legal considerations”, and that the Attorney General has stated that the international agreement is binding on the United Kingdom and the EU, why have we not had an opinion on matters such as the control over laws, European Court of Justice jurisdiction and the incompatibility of the agreement with the repeal of the European Communities Act 1972—matters that are of seminal importance in deciding this question?

The Prime Minister: I suggest that my hon. Friend looks at the remarks that were made in the Chamber yesterday following the Government’s announcement that they would publish the final advice given by the Attorney General that was asked for.

My hon. Friend has referred again to the repeal of the European Communities Act 1972. As I have said in answer to him on more than one occasion in this Chamber and in the Liaison Committee, it was always clear during the passage of the European Union (Withdrawal) Act 2018, which did indeed repeal the 1972 Act and bring the EU acquis—EU law—into UK law, that in the event that there was an implementation period in which we were to operate much as we do today as a member of the European Union, it would be necessary to ensure that any necessary changes were made, and those changes will be made in the withdrawal agreement Bill, which will be brought before Parliament.

Q7. [908027] Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): The Prime Minister may recall that, last week, I asked her about the terrible funding settlement for Tyne and Wear fire and rescue service. Well, I was not happy with the answer, so I am going to try again. In the light of the fact that funding local services such as police and fire through the council tax precept just does not work in areas such as mine, will she look again at this funding formula, which will leave such areas perilously close to having unsafe fire and police services very soon?

The Prime Minister: I understand that, in Home Office oral questions this week, the Minister for Policing and the Fire Service undertook to get back to the hon. Lady. As he made clear this week, the authority’s core spending power has increased this year. I am also informed that the Tyne and Wear service holds £25 million of reserves, which is equivalent to 52% of its core spending power.

Trudy Harrison (Copeland) (Con): In Cumbria, we have endured 42 days of rail strike action, despite the Transport Secretary’s assurance that the guards on the Cumbrian coastal line will remain. Will my right hon. Friend the Prime Minister condemn the actions of the RMT, which have left vulnerable people without public transport and businesses suffering in the run-up to Christmas?

The Prime Minister: I do indeed condemn the action that has been taken by the RMT, which as my hon. Friend says is leading to people and businesses suffering. We call on the RMT to end the strikes. The jobs have been guaranteed beyond this franchise. There is no reason to continue this needless action. The message is very clear: “Stop the strikes, get round the table and put passengers first.”

Q9. [908029] Julie Cooper (Burnley) (Lab): Ofsted reports that 1.3 million children with special educational needs are not having those needs met at school and that over
2,000 children on education, health and care plans in 2018 received no support whatsoever. Ambitious about Autism reports a 60% increase over the past four years in autistic children being excluded from school. Will the Prime Minister please look beyond those figures to the children affected and to the distress that they and their parents are experiencing? Does she agree that this is a national scandal that needs to be addressed with the utmost urgency?

The Prime Minister: Every child deserves the right education for them. We are working to drive up quality for children with special educational needs and for those with disabilities. We have taken several steps, such as introducing a new inspections framework and focusing more on a local area’s strengths and weaknesses, and we are working to spread best practice, but that is being dealt with better in some areas than in others. When used properly, EHC plans do ensure that support is tailored to the needs of children and that families are put at the heart of the process, and more money is going in this year for children with special educational needs. However, I recognise that parents of children with special educational needs often feel that they constantly have to beat their heads against the bureaucracy that they come up against to ensure that they get the right support for their children. We are committed to ensuring that we are delivering for children and that we are delivering quality education that is right for children with special educational needs.

Rachel Maclean (Redditch) (Con): I know how much the Prime Minister likes to get out on to the doorsteps of her constituency whenever she is able to, as I like to do on mine. Does she, like me, welcome the fact that we are spending £6.7 million—[Interruption.]

Mr Speaker: Order. This happens in my constituency as well. I want to hear about the pothole situation in Redditch and elsewhere.

Rachel Maclean: Thank you, Mr Speaker. The roads in Redditch are excellent on the whole, but we are pleased that Worcestershire was awarded £6.7 million of funding in the recent Budget. How quickly does the Prime Minister think that that money will be spent on fixing our roads?

The Prime Minister: My hon. Friend raises an important issue. Potholes, local services and other issues that matter to people on a day-to-day basis are issues that are raised on the doorstep. My understanding is that the money is available and should be being spent now.

Q10. [908030] Joanna Cherry (Edinburgh South West) (SNP): In the Scottish case that has established that article 50, or the Prime Minister’s article 50 notice, can indeed be revoked, the UK Government have lost three times: in the Supreme Court of Scotland, the UK Supreme Court and, yesterday, in the advocate general’s opinion in the Court of Justice of the European Union. Can the Prime Minister tell us why she has put so much public money and energy into depriving this Parliament of legal certainty about the options that will be open to it when her deal is voted down next week?

The Prime Minister: Both the UK Government and, actually, the European Commission felt that it was right that the issue be tested. We will not revoke article 50. That is clear. The Government will not revoke article 50. Everyone in the House needs to understand what the judgment of the advocate general means. If experience is anything to go by, the Court will go with it, but it still has not come to its final decision. However, if the determination of the advocate general goes ahead, it says that it is possible for a country unilaterally to revoke article 50, but that is not about extending article 50—it is about making sure that we do not leave the European Union. That is what that judgment is about. We will not revoke article 50. The British people voted to leave the European Union and we will be leaving.

Paul Scully (Sutton and Cheam) (Con): A number of Members of this House and members of the public are still concerned that we may risk being in an extended, if not permanent, backstop situation or customs territory. Can my right hon. Friend explain why, in her opinion, the European Union will not want that to exist and why it will negotiate in good faith for an extensive free trade agreement?

The Prime Minister: My hon. Friend is absolutely right. I recognise that there are concerns about the backstop but, for a number of reasons, it is indeed the case that it is not attractive for the European Union to have the United Kingdom in the backstop. First, in that backstop, we will be making no financial obligation to the European Union, we will not be accepting free movement and there will be very light touch level playing field requirements. These are matters that mean that the European Union does not see this as an attractive place for it to put the UK. The EU thinks that is an attractive place for the UK to be in and it will not want us to be in it for any longer than is necessary.

Q11. [908031] Patricia Gibson (North Ayrshire and Arran) (SNP): The European structural fund is worth billions to Scotland, and it funds initiatives in my constituency of North Ayrshire and Arran such as tackling poverty and promoting social inclusion. The fund is to be replaced by the UK shared prosperity fund. However, we have no real detail or clarity as to how this fund will be designed or when it will begin. Why not?

The Prime Minister: That will indeed be replaced by the shared prosperity fund, which will look at ensuring that we deal with the disparities that exist between communities and between nations. The Government will be consulting before the end of the year.

Derek Thomas (St Ives) (Con): Next week will be the first opportunity for MPs to vote on the withdrawal agreement, and I was glad to have the opportunity to speak in the debate last night. Can my right hon. Friend assure the House and my constituents that, should the withdrawal agreement not secure the support of Parliament, Her Majesty’s Government will seek early dialogue with negotiators in Brussels to seek to address the genuine concerns of MPs on both sides of the House?

The Prime Minister: I believe that the deal we have negotiated is a good deal. I recognise that concerns have been raised, particularly around the backstop. As I said
yesterday in my speech during the debate, I am continuing to listen to colleagues on that, and I am considering the way forward.

Q13. [908033] Nick Smith (Blaenau Gwent) (Lab): One of my constituents has lost thousands of pounds from his British Steel pension as he was preyed upon by a rogue financial adviser and it has happened to hundreds of others across the country. The Financial Conduct Authority does not have the teeth to sort this out. I think that ripping off pensioners is criminal. Does the Prime Minister agree?

The Prime Minister: I am very sorry to hear of the case in relation to the pension of the hon. Gentleman’s constituent and the actions of that financial adviser. I will ensure that the Treasury looks at this issue and these sorts of cases with the Financial Conduct Authority.

Vicky Ford (Chelmsford) (Con): Our country’s children are our country’s future. Yesterday, Ofsted reported that 95% of early years providers are now rated good or outstanding, up from 74% six years ago. Will the Prime Minister join me in thanking all those who work in early years organisations for giving our children the very best start in life?

The Prime Minister: I absolutely agree with my hon. Friend that early years education is important. It is important for children to give them that good start in life, and it is to be welcomed and applauded that 95% of those providers are now rated good or outstanding. We should thank all those who work in early years provision for the excellent work they are doing for our children and their future.

Q14. [908034] Mr Gregory Campbell (East Londonderry) (DUP): This morning’s legal advice refers to the backstop as a permanent arrangement that will “endure indefinitely,” which repeats previous assertions. Does the Prime Minister agree, at this last moment, that the entire premise of the backstop has been based on a false assertion? It is a practical, physical and political impossibility, under any circumstances, for a hard border to emerge on the island of Ireland. Why has she allowed that to be used as a negotiating ploy by the EU against the United Kingdom?

The Prime Minister: This is not a negotiating ploy by the European Union against the UK. It is our commitment, as a UK Government, to the people of Northern Ireland. The hon. Gentleman says that the political assertion that there will be no hard border is sufficient to give people reassurance for the future. I say no. What people want to know is that arrangements will be in place. It does not have to be the backstop. The future relationship will deal with this. The extension of the implementation period could deal with the temporary period. Alternative arrangements could deal with it. But people need to know it is beyond a political assertion that there is that commitment there to the people of Northern Ireland to ensure that we have no hard border.

Bob Blackman (Harrow East) (Con): Yesterday, London students heard from the renowned holocaust survivor Hannah Lewis, who described the horrors of Europe’s darkest hour. As we celebrate the festival of Hanukkah, does my right hon. Friend agree that there could be no better place for the national holocaust memorial and learning centre than alongside this Palace of Westminster, to stand as a permanent memorial to the horrors of the ultimate of antisemitism?

The Prime Minister: I commend Hannah for the contribution she is making and has made over the years in bringing home to people the absolute horrors of the holocaust. I commend the work of the Holocaust Educational Trust, which does important work up and down our country. I absolutely agree with my hon. Friend that there is no better place for the holocaust memorial and learning centre to be than right next to our Parliament. What is important is that this is not just a memorial; it is a learning centre and it will be educating young people and others about the horrors of man’s inhumanity to man.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I, too, would like to take the opportunity to express my respect to Sammy Woodhouse for her courage. Yesterday, the National Assembly for Wales became the first Parliament on the British Isles to reject the Prime Minister’s deal and clearly it will not be the last. Wales has seen through how she is intent on inflicting GBH—her Government’s Brexit harm—on our nation. Beset on all sides, will she come to her senses and rule out a no-deal scenario before this House forces her to do so?

The Prime Minister: If the hon. Lady is concerned about the possible effects of a no-deal scenario, the only way to ensure that there is not a no-deal scenario is to accept a deal scenario and accept the deal that is on the table.

Mr Mark Francois (Rayleigh and Wickford) (Con): Prime Minister, the legal witch hunting of military veterans, which I have been raising with you for about a year now, is getting worse. The latest victim is David Griffin, a 77-year-old former Royal Marine who is being reinvestigated for an incident that took place in Northern Ireland 45 years ago, on which he was thoroughly cleared at the time. They knew where to find him, because he is an in-pensioner at the Royal Hospital Chelsea. How is it that we live in a country where alleged IRA terrorists are given letters of comfort and we go after Chelsea Pensioners instead? Prime Minister, this nonsense must stop. Please, please, do something about it.

The Prime Minister: My right hon. Friend raises a particular case, which will have touched everybody across this House. He also raises the contrast between the treatment of veterans and the treatment of terrorists. About 3,500 people were killed in the troubles, 90% of whom were murdered by terrorists, and many of these cases require further investigations, including the deaths of hundreds of members of the security forces. We have committed to establishing new mechanisms for dealing with this, in a balanced and proportionate way. We are concerned that at the moment we see a situation where there has been a disproportionate emphasis on those who were serving military or police officers at the time. I want to ensure that the terrorists are investigated, and we continue to look at this question. We have consulted on it and we will be responding to that consultation.
I recognise the strength of feeling from my right hon. Friend and others about this issue and the Government will be responding in due course.

Louise Haigh (Sheffield, Heeley) (Lab): I know the whole House is inspired by the bravery of Sammy Woodhouse in speaking out so that we can drive real change, and is horrified by the news that the man who raped Sammy and is serving a 35-year prison sentence was encouraged to seek access to her child through the family courts. Does the Prime Minister agree that no man who has fathered a child through rape should have parental rights? Will she seek to amend the legislation, through the Courts and Tribunals (Judiciary and Functions of Staff) Bill when it comes back to this House, so that men who have fathered children through rape cannot weaponise the courts to access children and re-traumatise their victims all?

The Prime Minister: This is obviously a very distressing case and I am sure that, as we have just heard, the concerns of the whole House rest with Sammy Woodhouse and with what has happened in this case. As the facts have been reported, I am sure we all consider it extraordinary that this should have happened in the first place. What is important is that the Ministry of Justice and other Departments are urgently looking at and working with local authorities on the issues raised in this case to ensure that there is a process in place in future that does protect children and mothers from harm. I understand that the hon. Lady has met the Under-Secretary of State for Justice, my hon. and learned Friend the Member for South East Cambridgeshire (Lucy Frazer), and I urge her to continue engaging with the MOJ on this very important issue.
Point of Order

12.55 pm

Anna Soubry (Broxtowe) (Con): On a point of order, Mr Speaker. When you quite properly point out a citizen of this country who has done a remarkably courageous thing, as Sammy Woodhouse has done, we all want to support her and to applaud. The only reason why there was no applause from Members on these Benches—there was applause from people in the Public Gallery—was because of the conventions of this House. May I suggest that we really do need to sort this out? I say that because this was not a sign of disrespect or of a lack of support here; it was merely the convention. That needs to be recorded and as a House we need to sort this out.

Mr Speaker: I am very grateful to the right hon. Lady for her point of order. I had not known that that was what she was intending to raise—I could not have done, because, whatever other merits I may have, I am not psychic. But I do now know what she has in mind and my response is to say that I have sought to exhibit flexibility in this matter. In other words, when it is obviously a spontaneous reaction in the House, particularly one of a non-partisan character, the Chair is very much inclined to be accommodating of that. When a political party engages in what might be called orchestrated clapping, in defiance of the convention of the House and really in celebration of a party point, that is inappropriate and the Chair deprecates it. I think it would have been different in this situation. This Speaker has not exactly been a slave to convention, as I think the right hon. Lady will agree. All sorts of conventions have been adjusted, and situations evolve in accordance with changing mores in this House, and this Speaker would seek to be flexible. She has registered the fact that Members on the Government Benches wish to extend a very warm welcome to Sammy Woodhouse, as did people on the Opposition Benches. As far as I can tell, that feeling was universally exhibited across the House.

Immigration (Time Limit on Detention)

Motion for leave to bring in a Bill (Standing Order No. 23)

12.58 pm

Tulip Siddiq (Hampstead and Kilburn) (Lab): I beg to move, That leave be given to bring in a Bill to make provision for a maximum period of detention under the Immigration Act 1971 of 28 days; and for connected purposes.

I realise that I have chosen to introduce my first ten-minute rule Bill in a very quiet week in Parliament, but I hope that colleagues from across the House will indulge me as I speak about a campaign that I am very passionate about and which is close to my heart. I am proud to be an MP for a constituency that has a proud history of welcoming immigrants. My constituency has a long history of welcoming economic migrants from Ireland and refugees fleeing political persecution in Nazi Germany. At this moment in time, my constituency has 22,000 European Union nationals, who form the very fabric of our community. I am proud that both the councils in my constituency recently welcomed refugees from Syria and Somalia. My mother came here as a political asylum seeker in the 1970s and settled in the very constituency I am now proud to represent here in Westminster.

I am sure Members from all parties will agree that we are proud of the fact that Britain is a safe haven for people who cannot go back to their country of origin. The practice in our country of indefinitely detaining people, however, blights the nation, and we should all be ashamed of it. We are the only country in the EU—and one of only a few in the world—that indefinitely detains people. Immigration officers go around in the middle of the night capturing people and putting them in prison-like cells. Many Members from all parties will have visited these detention centres and will know the conditions in which these people are kept.

In this country, we have legislation that limits how long terror suspects and criminal suspects can be detained. Terror suspects can be detained without charge for 14 days and criminal suspects can be detained without charge for 28 days, but we do not afford that same protection to refugees, asylum seekers and immigrants. That should put us to shame. The people who are detained range from nurses to doctors to students. Some of them have no previous criminal convictions and have come here to seek economic opportunity. Some of them are former offenders who have served their term and come here to make a life for themselves anew. They are people who have come here because they have gone through insufferable trauma in their country of origin and this is a safe haven for them. Many are men, some are women and some are children, but above all they are human. Detaining them indefinitely is a blight on their human right to freedom.

Members from Government and Opposition parties who have been to detention centres will know what they are like. People are ripped away from their families in the middle of the night and put in bare cells, with no recourse to legal advice so that they can know when they are going to come out. Unfortunately, cases of abuse and neglect are commonplace. When the Red Cross
interviewed some of these detainees and asked them what was the very worst thing about being detained. Emmanuel said that it was not knowing when he was going to be released. The thought that there was no limit on how long he was going to be in that cell caused such mental trauma and mental health problems. A similar detainee talked to the Red Cross about how she could see no light at the end of the tunnel because she knew that her situation could go on forever. That should shame us all.

Being in indefinite detention leads to problems with mental health. There have been 600 cases in which people have needed medical assistance and treatment because they have suffered and gone on to self-harm. Indefinite detention has led to an epidemic of suicide and self-harm throughout our detention centres. It has reached the point at which, when Amnesty and the Red Cross interviewed people, nearly all of them had witnessed some form of suicide, self-harm or desperation, having been stuck in those cells for so long.

For me, the worst thing is that people are not detained for reasons of criminal justice but because of an inefficient administrative process that insiders themselves have admitted could be sped up and take only weeks, rather than months. That should make us even more embarrassed. The Home Office guidance says that people should be detained for a reasonable amount of time. Does the House think it is reasonable to detain someone for more than two years, as happens regularly? One fifth of detainees spend more than two months at a time in cells. At what point does that become reasonable or unreasonable?

When we have discussed whether we should have a 28-day limit, a lot of people have objected. For those who object and are not convinced by my arguments about detention being cruel or inhumane, let us think about the cost and how inefficient the system is. Currently, the system is wholly inefficient and hugely costly. The House should reflect on these figures: it costs £86 a day to detain someone and £34,000 a year for everyone who is currently detained. Matrix Evidence found that the if we imposed a time limit and got people out when they were meant to be out, we would save £344 million over five years. So those Members who are not convinced by the emotional argument should think about the money that could be saved if we had a proper time limit on detention.

Furthermore, the existing policy seems to be to detain first and ask questions later. Perhaps if there was a time limit, the immigration officers who go around could ask the questions, handle things more sensitively and detain later. A time limit might also curb the cruel practice of mistaken detention, which happened to two people from the Windrush generation last year.

The Home Secretary has said that a 28-day limit on detention is based on slogans rather than evidence. It is not based on slogans; it is a cry that has come from report after report, committee after committee and investigation after investigation. The all-party group on refugees has called for it. Select Committees have called for it, and experts in the UN, EU and international non-governmental organisations have called for it. My Bill is backed by Liberty and Amnesty.

When I put forward my Bill, I approached some unlikely names from the Government Benches and was impressed by how quickly people came back to me to say that they wanted to support it. For the past few months, we have had huge division in the House, but I was inspired and reassured by the fact that ultimately we are all here because we want to make society a better place. We want a more equal society in which the most vulnerable are protected.

We have to think about the history of our country. Some 800 years ago, in a field in Runnymede, the Magna Carta laid out our basic civil liberties. It set out the principles of due process and a fair trial. The criminal system in this country now is not perfect, but it serves us well. However, there is one part of our legislation and criminal justice system—in society and generally in Parliament—where we have failed. We have absolutely failed to protect the most vulnerable because we allow them to be detained without any hope, without any reason and without a light at the end of the tunnel. I say to the Home Secretary: there is no time for a review—we have been there and done the reviews. This is about life and death, and we need to act now, so I implore Members from all parties, who have really indulged me by listening to my very long speech: please get together and support me—I ask for your support, too, Mr Speaker—to make sure that we end the indefinite detention of the most vulnerable in society.

Mr Speaker: Far be it from me to argue, but the hon. Lady has not made a long speech; she has made a speech absolutely within her rights and in conformity with the title. The clue is in the title: it is called a ten-minute rule motion. She was within her time.

Question put and agreed to.

Ordered.

That Tulip Siddiq, Mr David Davis, Mr Dominic Grieve, Dame Caroline Spelman, Mr Andrew Mitchell, Paul Blomfield, Lisa Nandy, Layla Moran, Rushanara Ali, Christine Jardine, Mr David Lammy and Stella Creasy present the Bill.

Tulip Siddiq accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 25 January 2019, and to be printed (Bill 302).
European Union (Withdrawal) Act

[2ND ALLOTTED DAY]

Debate resumed (Order, 4 December).

Question again proposed.

That this House approves for the purposes of section 13(1)(b) of the European Union (Withdrawal) Act 2018, the negotiated withdrawal agreement laid before the House on Monday 26 November 2018 with the title ‘Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community’ and the framework for the future relationship laid before the House on Monday 26 November 2018 with the title ‘Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom’.

Mr Speaker: Just before I ask the Secretary of State for the Home Department to open the continuation of the debate on behalf of the Government, I feel that it is important that Members are aware of the correct protocol for today and for each of the remaining subsequent days in this overarching debate on the Government’s proposed deal.

It is true that it is a debate essentially revolving around one subject. However, I should remind colleagues that there are wind-up speeches each day from the Opposition and Treasury Benches, and the implication of that should be blindingly obvious to colleagues: if you speak in the debate it is incumbent on you to turn up at whatever hour the debate is concluded to hear the wind-up speeches. Yesterday, I am sorry to say, there were a number of examples of Members who spoke, in some cases at considerable length, in the debate, but who, on account of being very busy with many commitments and very full diaries, felt that they had to be elsewhere for the wind-up speeches. I know and I think that it may well be widely accepted that the Prime Minister and the Leader of the Opposition did not come for the wind-up of the debate, and, personally, I take no exception to that at all—it would have been marvellous to welcome them, but I quite understand why they could not be here—but in every other case, if you speak in the debate, please then do me the courtesy, or do the House the courtesy, of turning up for the wind-ups. With that little homily duly completed, I invite the Secretary of State for the Home Department to continue the debate.

1.11 pm

The Secretary of State for the Home Department (Sajid Javid): It is a great pleasure for me to open this debate. I cannot think of a better way to celebrate my 49th birthday.

The coming weeks will be one of the most defining political periods not just of this Parliament or of our time as MPs, but since the second world war. I know that all hon. and right hon. Members will have the national interest at the very forefront of their minds. Next Tuesday, we will be asked whether we will support the Brexit deal of my right hon. Friend the Prime Minister. Each one of us will have to make that decision. It is my belief that the deal on the table is the best option available in ensuring a smooth exit from the European Union. It will ensure that we leave the EU, as planned, on 29 March next year, that we take back control of our borders, that we end the jurisdiction of the European Court of Justice in the UK and that we stop sending vast sums of money to Brussels. The deal will have a significant impact on two major areas of Home Office policy—security and immigration.

Nigel Dodds (Belfast North) (DUP): I am very grateful to the Home Secretary. He has just mentioned taking back control and ending the jurisdiction of the European Court of Justice. I presume that he has seen the legal advice, published today, from the Attorney General, which makes it clear that, in fact, that is not the case in terms of the backstop, which he also says is indefinite. The advice says: “NI remains in the EU’s Customs Union”—not in some kind of customs arrangement—“and will apply the whole of the EU’s customs acquis, and the Commission and CJEU will continue to have jurisdiction over its compliance with those rules”.

Northern Ireland will treat Great Britain as a third country. How can he possibly stand here and recommend this deal and say that it brings to an end the jurisdiction of the Court of Justice and takes back control?

Sajid Javid: I very much respect what the right hon. Gentleman has just said. He has shared it with the House on a few occasions, and I absolutely understand what he says. Let me just say from the outset: no one can pretend that this deal is perfect in every sense. Inevitably, there will be some compromises with this deal and with a number of objectives, including, as we have just heard from the Prime Minister in Prime Minister’s questions, a need to ensure that the commitments in the Good Friday agreement are upheld. What he is referring to is if—and it is an if—the backstop arrangement kicks in. He is right to point to the legal advice, but it is worth keeping in mind the fact that that situation does not necessarily arise, even if there is no final deal on the future arrangement by December 2020, because there is an opportunity for alternative arrangements, including extending the implementation period. Even if the backstop arrangement kicked in, he referred to, it is, at a minimum—legally from the European Union’s perspective—not sustainable because it is done under article 50 of the European Union’s own rules.

Mr Kenneth Clarke (Rushcliffe) (Con): Does my right hon. Friend not accept that, if we are maintaining an open border where there is a land border, it can only be done in a modern economy by having some form of customs union applying to both sides of the border? Unless and until someone else comes forward with an alternative way of timelessly guaranteeing an open border, the arrangement proposed is the only conceivable one that is possible for the foreseeable future, until something better comes along. This was quite obvious months ago, and it is quite futile to start protesting about it now.

Sajid Javid: I always listen carefully to what my right hon. and learned Friend has to say on all matters. It is correct that this is one way to ensure, in that all-important backstop, completely frictionless trade, but I do not accept that it is the only way to do that. Although it is recognised in the agreement, under the backstop arrangement, that this is a way that clearly has been foreseen by this
agreement, there are, as I said a moment ago, potentially other ways that that can be achieved, and it is right that we properly explore all possible alternative arrangements.

Sajid Javid: What the right hon. Gentleman highlights is that it is important to listen to all voices. Again, it points to the fact that, although this is one arrangement, it is right that we look and continue to explore to see whether there are other arrangements that can lead to a more permanent and more easily acceptable outcome.

Several hon. Members rose—

Sajid Javid: I will give way one more time, but I do need to make some progress.

Sajid Javid: I thank the Home Secretary for giving way. The legal advice released this morning makes it clear that the protocol does not provide for a mechanism that is likely to enable the UK lawfully to exit the UK-wide customs union without a subsequent agreement. It goes on to say:

“This remains the case even if parties are still negotiating many years later, and if the parties believe that talks have clearly broken down and there is no prospect of a future relationship agreement.”

Does that not undermine the point that he made a moment ago when he argued that this arrangement was not sustainable in the long term because of the limitations of article 50? The advice of the Attorney General is that it is going to last.

Sajid Javid: I thank the right hon. Gentleman for his comments. No doubt he has had some time to digest the legal opinion, but he might also note that it is perfectly consistent with what the Attorney General said at this Dispatch Box earlier this week. He made it clear then that, naturally, what he is providing is legal analysis, but this should also be seen in the context of the politics of such a situation, and he set that out quite clearly as well on the day. I refer the right hon. Gentleman to the remarks that the Attorney General made on that point earlier this week.

John Redwood (Wokingham) (Con): Will the Home Secretary confirm that if we approve the withdrawal agreement, the UK will have to pay a lot of money for many years after we have left the European Union, although there are no cash limits or numbers in the documents, and very general heads? Will he also confirm that the EU will have preponderant power in deciding just how vast this open-ended commitment will be, and that it will be massively more than £39 billion?

Sajid Javid: In the withdrawal agreement, there is an estimated amount that the UK will pay. It will not be instant; it is over a number of years. The general figure that has been talked of by Government Ministers and others is a total of £39 billion.
SIS II in the declaration?

It does not refer to SIS II. My copy if he does not have one with him. As the hon. Member for East Worthing and Shoreham (Tim Loughton), who is also a member of the Home Affairs Committee, said, paragraph 86 refers only to passenger name record data and the Prüm database. It does not refer to SIS II. Will he clarify for the House that there is no reference to SIS II in the declaration?

Sajid Javid: I thank the right hon. Lady for the focus that her Select Committee has brought to this issue, including recently. Just to be clear, there is no claim that the document itself refers to the database as SIS II or to the European Criminal Records Information System database, for that matter. The document talks about considering continued co-operation on the kind of information that is in those databases. We will properly consider the matters to see whether there is a way to continue that type of co-operation.

Yvette Cooper: Will the Secretary of State give way one more time?

Sajid Javid: I will give way to the right hon. Lady one more time as she is the Chair of the Home Affairs Committee.

Paragraph 87 refers to considering further arrangements and arrangements that might “approximate those enabled by relevant Union mechanisms.”

The SIS II database contains 76 million pieces of information. There is no sign that anybody is going to create another alternative database that contains just as much information, so what on earth does it mean to talk about approximating access to the SIS II database? Either we get access to it or we do not.

Sajid Javid: It means exactly what it says in paragraph 87; which is that we will “consider further arrangements” that will help the “exchange of information on wanted or missing persons…and of criminal records”.

Give the right hon. Lady’s interest in these matters, she will be more aware than most Members of this House that we did not join this database until 2015. Before that, we were using other databases on wanted and missing persons, including the Interpol database, so there are other pieces of data that we can use for this type of information. However, it is good that we have an outcome whereby we will consider further co-operation on exactly this kind of important information.

Sajid Javid: My hon. Friend makes a very good point. In all my discussions with Interior Ministers on security co-operation, I have not come across a single one who wants to reduce security co-operation. Every single one understands the mutual benefit that comes about through continued co-operation and information exchange.

The deal that the UK has reached with the EU will provide for the broadest and most comprehensive security relationship that the EU has ever had with another country. This agreement allows for our relationship to include various important areas of co-operation: continuing to work closely together on law enforcement and criminal justice; keeping people safe in the UK, across Europe and around the world through exchanging information on criminals and tackling networks involved in terrorism, serious crime and modern slavery; DNA, fingerprint and vehicle registration data, ensuring that law enforcement agencies can quickly investigate and prosecute those suspected of serious crime and terrorism; supporting international efforts to prevent money laundering and counter-terrorist financing; and combating new and evolving threats such as cyber-security. It also allows for joint working on wider security issues including asylum and illegal migration.

The declaration sets out that we should carry on sharing significant data and processes such as passenger name records, so that we can continue disrupting criminal networks involved in terrorism, serious crime and modern slavery; DNA, fingerprint and vehicle registration data, ensuring that law enforcement agencies can quickly investigate and prosecute criminals and terrorists; fast-track extradition to bring criminals to justice quickly where they have committed a crime; and continued co-operation with Europol and Eurojust.

Chris Bryant (Rhondda) (Lab): The thing is that that is a wish list. It is all in the political declaration, but it is no more deliverable than a letter to Santa Claus—it really isn’t—because there is no settled policy on extradition, and no settled policy on a legal definition of who is a terrorist. All of that could be delivered through the law courts on any of these elements. The proof of this is that the Government do not even have an immigration policy. It is all very well having a wish list, but how on earth could a serious Member of Parliament vote for nothing more than a wish list?

Sajid Javid: With regard to leaving the EU, the only wish list I am aware of is that is worth nothing is Labour’s so-called six principles. That is the wish list that the hon. Gentleman has continually supported again and again. In this deal, specifically on security co-operation, there is, for example, an agreement on mutual exchange of data on passenger name records, DNA, fingerprints, vehicle registrations and fast-track extradition. He should go and explain to his constituents how important that is to them.

Kate Green (Stretford and Urmston) (Lab): Can the Home Secretary confirm that if we are out of the European arrest warrant and unable to put any identical
arrangement in place, a number of countries will be unable in future, under their own constitution, to extradite their nationals to this country?

Sajid Javid: We are not going to have an identical way of extradition in future because there is no need for an identical way. We will be outside the European Union, no longer a member, so it is not appropriate that we are members of exactly the current mechanism—the European arrest warrant. However, that does not mean that we cannot continue to co-operate through an agreement with the EU on fast and expedient extradition procedures and fast-track extradition. That is in the agreement; it has been agreed.

Kate Green: Will the Home Secretary give way?

Sajid Javid: No, I will not—I have to make some progress.

When it comes to external threats, we will be able to have an ambitious partnership on foreign policy, security and defence that will enable both sides to combine efforts for the greatest impact. It allows for ongoing co-operation on other important cross-cutting issues, including countering violent extremism and the spread of infectious diseases.

Of course, there is some further work to be done to ensure that we build on the foundation that this deal provides. This is not about wanting to stay close to the EU and its security arrangements just for the sake of it. We are leaving, and our relationship must change. This is about a hard-headed, pragmatic, evidence-based decision on what is the best security interest of the UK.

Mike Gapes (Ilford South) (Lab/Co-op): Can the Home Secretary confirm that because we will not be participating in the PESCO—permanent structured co-operation—arrangements, we will have no seat in the room, no voice and no vote or veto within any of the foreign policy defence and security arrangements; we will not be in the European Defence Agency; and we will not, unless we have a special arrangement, be in the European Defence Fund? What is the point of that in terms of increasing our security?

Sajid Javid: I would say gently to the hon. Gentleman that of course when we have left the EU we will not be participating as direct members in those kinds of foreign security tools. We will have our own independent foreign and defence policy, and we will have the ability, if we choose, to align ourselves with the EU. He should also remember, and it is worth recalling in this House, that our security is underpinned across Europe by our membership of NATO, not membership of the European Union. Ultimately, I believe that this deal strikes the right balance on security, and we will keep Britain one of the safest countries in the world.

I turn now to the consequences for security of no deal. An unco-operative no deal would have an impact on protecting the public. There will be no implementation period smoothing our transition into these new arrangements. The UK would have to stop using EU security tools and data platforms from March next year. There will be unhelpful implications for our law enforcement agencies and border guards. There would be disruption and they would have less information available to do their jobs, including identifying and arresting people who could threaten the security of some of our citizens. They would have fewer options for pursuing criminals across borders as we would lose the ability to pool our efforts through Europol and Eurojust. It would take longer to track, arrest and bring to justice those who commit crimes internationally. I have established and I chair a weekly Cobra-style planning meeting within the Home Office to plan for this eventuality properly in case it comes about. But no matter how effectively we prepare for no deal, setting aside the capabilities we have developed with our EU partners will of course have some consequences.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I have been listening to the Home Secretary very intently. He has not really given me the assurance I want on Europol. Can I give him a last chance just to mention Galileo?

Sajid Javid: The hon. Gentleman says that he has been listening very carefully. I doubt that, because I think I have given him and hon. Members an assurance that I want on Europol. However, given that he has raised this issue, it is worth looking at it more closely. If he will allow me, I will do so and get back to him.

Vera Hobhouse (Bath) (LD): Is not the Home Secretary giving us a completely false choice by saying that it is either this deal or no deal, particularly given the decision that we made yesterday in this House that clearly allows us, as a House, to choose different options than just this deal or no deal? Is he not giving us a false choice?

Sajid Javid: No, I am not.

I would now like to turn to the other big issue for the Home Office regarding this deal, which is immigration. Concerns over immigration were a key factor in how people voted in the referendum in 2016. People wanted control over immigration. They wanted future decisions on UK immigration policy to be taken in this country
and by this Parliament. That is what this deal delivers. The deal will allow us to create an immigration system that is not constrained by EU laws and that works only in the national interest. Free movement will end. In future, the decision on who comes to the UK will rest with the UK itself, and not with individual migrants. The UK will continue to be an open and welcoming country that attracts the best talent from across the world.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Can I impress on the Home Secretary again the acute problems that there have been in fishing on the west coast of Scotland and, indeed, in Northern Ireland? I do not know how many numerous meetings I have had with various Government Ministers—they come and they go all the time—but will he look at this next year to make sure that it does not happen again? Will he make sure that we are getting crews on boats and that non-European economic area labour is coming in? The problem is going to get worse with the situation we have at the moment. The Home Secretary has this in his gift; it is not Europe that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the moment. The Home Secretary has this in his gift; it is not the UK that is stopping him. He can lift the pen at the momento
That was just last week, yet on Monday he said on the radio that it was “very unlikely” that the White Paper would be published before the vote. What happened in those four or five days to change his mind? Does he think it is acceptable for the House to vote on the withdrawal deal without the information in the White Paper?

Sajid Javid: I will say two things to my hon. Friend, who makes a fair point. First, he asks what has happened. It is worth reminding him and the House that this is the most significant change in our immigration system in 45 years. Rather than rush the White Paper, it is important that we focus on the detail, get it right and get it out as soon as possible. Secondly, of course we should think of our new immigration system as part of our deal as we exit the European Union, but it is also clear that if we have no deal, there will still be a new immigration system. It is worth keeping that in mind.

Several hon. Members rose—

Sajid Javid: I will give way to the hon. and learned Member for Edinburgh South West (Joanna Cherry), who has been very patient.

Joanna Cherry: I just want to disturb the slightly cosy consensus arising between those on the Government Front Bench and some on the Labour Back Benches. The view on immigration in Scotland is different. Voters in Scotland do not want to reduce immigration. Business, the universities, the financial sector, the FinTech sector and the cyber-security sector in my constituency are very keen not to reduce migration to Scotland. Is he aware of that, and will he take that on board in his White Paper?

Sajid Javid: I think the hon. and learned Lady will agree with what I have to say next, which is that immigration has been good for Britain. It has made us a good hub for culture, business and travel, and it has boosted our economy and society in countless ways. That is as true for Scotland as it is for other parts of the United Kingdom. That is why, from the very start of this process, my first priority has been to safeguard the position of more than 3 million EU citizens currently living in the UK and almost 1 million UK nationals living in the EU. The withdrawal agreement guarantees the rights of EU citizens and their family members living in the UK and UK nationals living in the EU.

My message on this has been very clear. EU citizens make a huge contribution to our economy and our way of life. They are our friends, our colleagues and our neighbours, and we need and want them to stay, regardless of whether there is a deal. I can confirm that, even in the event of no deal, EU citizens and their families living here in the UK before we leave will be able to apply to the EU settlement scheme and stay. We will be setting out more details on that shortly.

Chris Bryant: I hope the Home Secretary will also think about the fact that it is not necessarily a win for British citizens to lose the right to travel, study and work elsewhere in the European Union, which has been vital to a whole generation of people in this country. More importantly, he says that he is going to change the immigration system, but is he still going to stick to this ludicrous proposal of getting net migration down to the tens of thousands? Even migration from other parts of the world outside the EU, over which the Government have had full control, runs at more than 200,000 a year. Will he say that they will get rid of that nonsense?

Sajid Javid: The hon. Gentleman mentioned students. I welcome student exchanges, and I want to see more students, whether from the EU or from outside the EU, choosing Britain as a place to study. We have been very clear. When it comes to students, for example, there is no cap on student numbers. In the past year, we have seen a significant increase in student numbers from across the world. That is just the type of country we want to remain—we are attracting people, especially students and others, from across the world who want to study here or come here as tourists or those who can contribute skills that we actually need.

Carol Monaghan (Glasgow North West) (SNP): Of course, we do not just want the students to come here; particularly in Scotland, we want them to stay here and contribute to our economy. Will the Home Secretary look at reinstating the post-study work visa, so that we are not educating young people from across the world simply for them to take their skills elsewhere and feed other countries’ economies?

Sajid Javid: I actually have some sympathy with what the hon. Lady says. Interestingly, a report that I will mention in a moment—the independent Migration Advisory Committee report—talks about looking at some of the post-study work rights, and I am actively doing so. We have to be careful, however, that those post-study work rights do not in themselves become the reason for someone to choose to study in Britain. They must choose to study in Britain because of what our fantastic universities and other educational establishments have to offer. However, it is also sensible, when people choose to study in Britain and take qualifications in the skills needed in our own economy, that we have a sensible approach that allows them to stay and to continue to contribute, if that makes sense for us.

Joanna Cherry: I am struggling to understand what the Home Secretary is saying about post-study work visas. Is he saying that we should not deliberately try to attract talent to the nations of these islands? Is his position that we should not deliberately try to attract talent to the nations of these islands? Is that the Government’s position?

Sajid Javid: That is the complete opposite of what I was saying, so either the hon. and learned Lady misheard me or that is what she would have liked me to say so that she can open it up as some sort of attack line in a press release. That is exactly what I did not say.

Joanna Cherry: Will the Home Secretary give way?

Sajid Javid: No. I am happy to make it clear that I welcome students who choose Britain, and I think we should take a fresh look at how we can retain talent, with people who have chosen to study in Britain continuing to work in Britain if that meets our economic needs.
Justine Greening (Putney) (Con): On the point about universities more broadly, they obviously rely on attracting the best academic talent to train our students and international students. Will the Home Secretary briefly explain whether his immigration White Paper will make sure that we do not close the doors to that, reflecting on the fact that many of these professionals are not highly paid, and that salaries are often taken to translate to skill levels although in this case—it is the same with the performing arts—that does not hold?

Sajid Javid: My right hon. Friend speaks with a great deal of experience in this area, and she is absolutely right to point that out. Our universities do rely on academic talent, much of which comes from abroad, and that is to be welcomed. We must have an immigration system that continues to allow that, and we must take a careful look at the salary levels she has mentioned.

Dr Sarah Wollaston (Totnes) (Con): Further to the point made by my right hon. Friend the Member for Putney (Justine Greening), will the Home Secretary commit to looking at the extra costs and the bureaucracy that will fall on our health service and care sector? As she has said, because of the salary threshold that applies, many of the key staff who enable our health service and care sector to function will fall below that salary threshold, and the extra costs that will fall on the care sector in particular are quite extraordinary. Will he commit to reducing bureaucracy and tackling that cost?

Sajid Javid: Again, a very important point has been raised by one of my colleagues. I absolutely make that commitment. My hon. Friend is quite right to raise it, because we have to recognise that as we move from the current system of freedom of movement, in which there is virtually no bureaucracy to speak of, to a system under which we will require visas for every worker, we must keep an eye on the paperwork and bureaucratic requirements and keep the system as simple and light-touch as possible. That applies not just to larger employers, such as hospitals or NHS trusts, but to the smaller employers that may be looking for skills but perhaps taking only one or two people a year, and we should keep that in our minds as well.

James Heappey: This is not just about doctors and nurses of course; in my constituency, an awful lot of those involved in agriculture and tourism are concerned to ensure that a seasonal workforce continues to be readily available. Will the Home Secretary reassure us that there is a mechanism in his plans to allow that sort of migration so that the needs of those very important industries in Somerset can be met?

Sajid Javid: I can give my hon. Friend that assurance. He will know that we have announced a pilot for the seasonal agricultural workers scheme, which we are starting early next year, working with my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs. The purpose of the pilot is to make sure that we look carefully at how we can continue to meet the needs of that very important sector.

Mr Jim Cunningham (Coventry South) (Lab): I am sure the Home Secretary realises that 800,000 people in this country work in the automobile industry, and it is therefore very important that we get the specialist labour that facilitates research and development. That involves the universities, and not very much has been said in relation to Brexit about the plight of the universities if it is not handled properly.

Sajid Javid: The hon. Gentleman is quite right to highlight the importance of our automobile industry and the need for skills, particularly in areas such as engineering. I can give an assurance that we will want to make sure that the new immigration system allows for these vital skills where they are needed.

Geraint Davies (Swansea West) (Lab/Co-op): Will the Home Secretary confirm that in the case of a no deal, there will be an immediate hard border in Northern Ireland to stop the passage of people and products, and that in the event of a deal, people will just be able to fly into Dublin and walk into the UK via Northern Ireland?

Sajid Javid: No one wants a no deal, but I can confirm that in the event of a no deal, the UK Government would not do anything to create a hard border between Northern Ireland and the Republic of Ireland.

Unrestricted immigration has caused some people some concerns. As I have said, I will shortly introduce a White Paper, which will set out proposals for the future immigration system. I understand hon. Members’ frustrations about the timing of the White Paper, but I say again that it is an entirely new system—the most significant change to our immigration rules in 45 years—and we need to take the time to get the details right. We have made it clear that it will be a system based on skills, not on someone’s nationality.

The design of the future system has to be based on evidence about the needs of our economy. This is why we have commissioned the independent Migration Advisory Committee to report on the economic impact of EU workers and to ensure that the new system benefits Britain. In addition, we have been listening and engaging with businesses up and down the country to hear their views, concerns and ideas. I am grateful to all those who have taken the trouble to give us their views and have submitted evidence to the MAC. We have considered that advice, and we will be setting it out and taking it into account when we publish our White Paper.

Our future system will be flexible, so that the trade deals we agree with the EU and with others can allow businesses to provide services and move existing staff between offices in different countries, supporting our dynamic economy. The agreement we have reached with the EU will enable us to do this through visa-free travel for tourists and business travellers, and arrangements for service providers and for researchers and students.

Wera Hobhouse: The Home Secretary has been very generous in giving way. He did not actually answer the question from the hon. Member for Rhondda (Chris Bryant), but is it not time that we stopped demonising immigration and came clean about the fact that immigration is actually dictated by the job market, not by wishful thinking about how much immigration we would actually like? In fact, the figures that have come out showing immigration from the EU is down but immigration from outside the EU is up clearly demonstrate that we need immigration.
Sajid Javid: I feel that I have been very clear on that point. I just said a moment ago that immigration is good for our country and that we need a system that welcomes people and the talent we all want to see in this country. That will help this country, particularly our economy and our needs.

Ruth Cadbury (Brentford and Isleworth) (Lab): How does the Home Secretary feel that the immigration section of the Home Office will cope in the new regime when it cannot even run an effective, efficient and fair immigration service at the moment? It is already damaging Britain’s reputation overseas in non-EU countries.

Sajid Javid: I am confident that the Home Office can cope with a big change in our approach to immigration. That is not to say that there are not lessons to learn from mistakes that have been made in the past, but it is important to ensure that when things go wrong—they do go wrong; that happens in any large organisation and it has happened under successive Governments—there is independent analysis and the proper lessons are drawn. That is exactly what we are doing in the Home Office. I am confident that with that, and with the talent we have in the Home Office, we can deliver the new immigration system.

Our immigration system must be tailored to support and give preferential treatment to highly skilled workers. Of course, there are sectors and businesses that have come to rely on low-skilled workers and continued access to migrant labour—I understand that—but in controlling migration, we should always look to those in our own workforce first. We will need to work with businesses, so that they can adapt and play their part in increasing the skills of British people. We are also committed to ensuring that our world-class education sector can continue to grow and prosper, with no limit on the number of international students who come here to study.

Catherine West (Hornsey and Wood Green) (Lab): On work, will the Home Secretary lift the ban on asylum seekers having the right to work?

Sajid Javid: We currently have no plans to change that arrangement, but it is one of the areas I would like to review.

Let me be very clear: the White Paper is intended to be the start of a new conversation on immigration. It is not the last word, but the start of an ongoing dialogue with employers, businesses and others who use our immigration system. The Home Affairs Committee has said we should aim for a greater consensus on immigration; I agree. Basing our policy on evidence and extensive discussion with those affected will help us to achieve that.

We plan to introduce new immigration rules from 2021, after the end of the implementation period. For the first time in over 45 years, the UK will have complete control over its immigration arrangements. We will ensure that we have a system that ends free movement, is fair and fast, and works in the interests of all parts of the UK.

Let me conclude by reminding right hon. and hon. Members that the British people were given a choice and were told that their choice would be honoured. This deal involves taking back control of our money, our borders and our laws, while also protecting jobs, security and our precious Union. For the first time in a generation, we will be able to build an immigration system that is designed in Britain, made in Britain, and serves only our national interest. The deal protects not only EU citizens living in the UK, but UK nationals living in the EU. It also upholds the first duty of any Government: keeping our citizens as safe as possible. I urge hon. Members to join me in supporting it.

2.3 pm

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): In many ways, migration and security are at the heart of the debate around Brexit, so I am glad to have the opportunity to contribute to it from the Labour Front Bench. I think, however, that after the events of yesterday evening there can be little doubt that this is indeed a botched Brexit. Ministers should be ashamed that they had to be forced to comply with a motion of this House. We heard a lot, when they were trying to argue that they should not have to comply, about the national interest. But we have read the legal advice. There is nothing in it that compromises the national interest. It may be embarrassing for the Government, but it does not compromise the national interest. As the hon. Member for Stone (Sir William Cash) pointed out, it is not actually the full legal advice. It may be that he wants to return to that matter.

I voted to remain and the Labour party campaigned to remain and reform, but my party has said from the beginning that we respect the referendum result. It is true that there were substantive reasons to vote for Brexit. Above all, there were the long-standing concerns about sovereignty, which were so well articulated over his entire lifetime by my late colleague, the former Member for Chesterfield, Tony Benn. Nobody would deny, however, that concerns about migration were not far from the minds of some, if not all, leave voters.

James Heappey: Does the Labour party support the continuation of the free movement of people—yes or no?

Ms Abbott: The hon. Gentleman will know that when we leave the single market, freedom of movement falls. We said that in our manifesto and we are saying it now.

The available research confirms the salience of migration to leave voters. In June 2017, a report collated from the British social attitudes survey revealed that the most significant factor in the leave vote was anxiety about the number of people coming to the UK. A comprehensive study published by Nuffield College drew similar conclusions.

Geraint Davies: Does my right hon. Friend not agree that since 2010 the Conservatives have made the poor poorer and then told them that foreigners were the reason they were poor, and that that is why they voted for Brexit? In fact, migration helps us. This is about not allowing right-wing propaganda to lead our country, and it is about staying in the EU and having a public vote on the deal.

Ms Abbott: All I can say is that the Labour party, whether in opposition or in government, will never scapegoat migrants. It does not help society, and it is
not a constructive way to go forward politically. Who can forget Nigel Farage in the referendum campaign posing in front of the poster which showed floods of brown people surging into this country?

Joanna Cherry: The right hon. Lady mentioned a moment ago that one of the main reasons people voted to leave was a concern about sovereignty, and she referred to the views of the late and very well respected former Member for Chesterfield. May I ask her to speculate on this? Why is it that the Irish, the French, the Germans, the Spanish, the Dutch, the Swedish, the Danes—I could go on—do not share the same concerns that the English, not the Scots, have about sovereignty and the EU? Will she answer that question, because it is a question that genuinely puzzles me?

Ms Abbott: I do not think it is entirely true to say that those countries do not share those concerns. I think we would have to look to our very different national stories to understand that concern.

Migration is at the heart of this Brexit debate, and I am glad to have the opportunity to address it this afternoon. Before I turn to immigration, however, I want to speak about the other theme to today’s debate: security. Ministers have been trying to drum up support for the Prime Minister’s deal by saying that the alternative is no deal, which would be disastrous for security. But the Prime Minister’s deal would be almost as bad. At best, we can say that it is a blindfold Brexit on security. At worst, it may be leading us off a cliff on security matters.

Ministers insist that the deal that is being put before this House will offer us better arrangements than any other third country. I put it to Ministers that that is not the point. The point is whether there are better arrangements in other third countries. The point is whether these arrangements will give us the same assurances on security and fighting crime that we currently have. If we go through the deal, we can see that there appears to be a trade-off on security, because in order to achieve a seamless transition on a range of security, policing and justice matters and have the current level of co-operation, it would require a new security treaty between the UK and the EU. Yet there is no expressed aim in the exit documents, the level of co-operation between the UK and the EU post Brexit could be severely and unavoidably downgraded.

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In addition, on the EU agencies Europol and Eurojust, about which Members have made interventions, the deal says:

"The UK and the EU have agreed, as part of the FSP, to work together to identify the terms for the UK’s cooperation via Europol and Eurojust."

Working together to identify the terms is not the same as a guarantee of the same access and co-operation that we have today. As these are EU agencies, they are not in principle open to non-member states. Again, if that were to change, the legal basis for that would require a treaty.

Several hon. Members rose—

Ms Abbott: I need to make progress.

The practical effects would be severe. Last year, the UK law enforcement agencies accessed SIS II checks 500 million times. UK authorities requested access to criminal records 3,000 times a week. The danger is that extradition arrangements would fall back on the 1957 European convention on extradition, which proved extremely time-consuming and cumbersome. Most members of the Council of Europe have reserved rights or derogations under the convention, limiting its effect. At worst, the gaps and loopholes created under this exit agreement could create a situation in which organised criminals and terrorists in the EU might come to regard the UK as a relative safe haven from justice. Under this agreement, absent any significant change to the issues I have enumerated, ongoing co-operation in cases and investigations may ultimately be compromised. On the basis of security concerns alone, no Member of the House should be signing off this deal.

Mr Kenneth Clarke: The right hon. Lady gives a very accurate list of consequences that follow from leaving the European Union, which is why my right hon. Friend the Home Secretary deftly avoided the question, “Is it not inevitable that the arrangements of this country for security and the fight against international crime will be weaker once we have left the European Union than when we were in it?” As the right hon. Lady has committed her party to leaving, will she explain how Labour believes that it can negotiate anything other than this between now and next March? The Labour party has no remedy for this, unless it is thinking than this between now and next March? The Labour party has no remedy for this, unless it is thinking of reopening the question of our membership of the European Union.

Ms Abbott: As I said earlier, one problem in these negotiations, and one reason why they have not gone further, is the Prime Minister’s reckless red lines, particularly on the ECIJ. However, let me return to the issue of immigration.

John Redwood: Will the right hon. Lady give way?

Ms Abbott: I have to make progress.

Let me first deal with the status of EU nationals. I begin by saying how distasteful it was to many of us that the Prime Minister referred to “queue jumpers”. She seemed to be implying that there was some unfairness or illegitimacy in their role in British society, whereas EU nationals play a vital role in business, academia, agriculture and public services such as health and social care. EU citizens and their dependants living here cannot be reassured by the terms of the deal. The Home Secretary has given general assurances, but the deal says almost nothing in detail about their rights, including work, residency and access to services. No one on either side of the House who has ever had anything to do with the immigration and nationality directorate can have confidence in the Home Office’s ability to process the approximately 5 million applications that are required to process settled status applications. I am aware that the Home Secretary sets great store by his app, but he knows perfectly well that it cannot be used on iPhones, and although it has been trialled, the trials involved volunteers and only the simpler cases.

We have all seen the shameful chaos around the Windrush scandal. Today’s National Audit Office report on Windrush is comprehensively negative. It criticises the Home Office for its poor-quality data; the risky use of deportation targets; poor value for money; and a failure to respond to numerous warnings that its policies would hurt people living in the UK legally. It is a damming report, and Ministers should be ashamed. EU citizens can only await with trepidation their further and deeper engagement with the Home Office.

Chris Bryant: My right hon. Friend and I represent very different constituencies, but they are both among the poorest in the land. One of the ironies of the present immigration situation is that my constituency now has the lowest percentage of people living in it who were not born in it for 120 years. One of the many benefits that my constituents have enjoyed in recent years has been the ability to live, work and study elsewhere. I understand all the arguments about wanting to limit the number of people coming into this country, though I personally find it quite distressing, but should we not make sure that we do not throw the baby out with the bathwater? We need to make sure that our citizens have the right to study, work and prosper, whether they come from the poorest or the richest background in this country.

Ms Abbott: I thank my hon. Friend for that intervention. If Members talk to younger people, they will hear that one of their biggest doubts about Brexit is that they do not welcome the idea that they will not be able to travel, work and study in the way they have done under our membership of the EU.

Then there is the question of the missing immigration White Paper. The Home Secretary said he did not want to rush to produce it. I remind the House that we were originally promised it in summer 2017, then the Government were going to produce it this February, then it was to be published in March, before the recess, then in July, and then after the Migration Advisory Committee report in October; now the Home Secretary assures us it will be published “soon”. What confidence can anyone have in post-Brexit immigration policy when Ministers still do not seem to know what they want—or, more to the point, cannot agree on what they want? How can the House be expected to vote on this deal without detail on proposed immigration policy?

We know that the Tories are stealing some of Labour’s terminology about a rational immigration system based on our economic needs, but I suspect that Ministers mean something very different. On this issue, Government rhetoric sounding like Labour is a very insincere form of flattery. The suspicion must be that the Government’s actual policy is to begin to treat EU migrants as badly as they have treated non-EU migrants over many years.
Paul Farrelly (Newcastle-under-Lyme) (Lab): There is one other factor, which my right hon. Friend may be coming to. Does she agree that it would be quite possible for the Government to apply free movement in a more restrictive way, particularly regarding the world of work, as other countries, such as France, have done? Would she like to speculate on whether one reason why the Government have not done that is that the Home Office is so overwhelmed and has been so greatly cut that it does not have the capacity to enforce such a tighter policy?

Ms Abbott: I welcome my hon. Friend’s intervention. The cuts have unquestionably had an impact on the Home Office.

The Government have suggested that they will distinguish between high and low-skilled migrants and discriminate in favour of the former. On the face of it, that is a logical position, yet all indications are that their real distinction will be between high and low-paid migrant workers, which will leave a range of sectors struggling with skills and labour shortages, including among nurses, social care workers, agricultural workers and others in the private sector. This artificial distinction between high and low-skilled migrants, which is really about income, is both unfair and potentially damaging to the economy.

The Government have long been promising a new immigration Bill for a post-Brexit environment, but it seems that there is a split in the Government—I know it sounds shocking—between adjusting the immigration system towards supporting our economic needs and a constant campaign against migrants and migration. They will probably try to do both—“have cake and eat it” politics. There is also no indication that they will drop their unworkable net migration target, which has never once been met but which allows a continuing negative narrative campaign against migration and migrants.

The level of non-EU migration alone is currently running close to 250,000 a year, and that is migration over which the Government have absolute control. There is no indication either that they intend to end the hostile immigration policy—rename it yes, but end it no—yet we know that it led directly to the Windrush scandal.

The spurious distinction between high and low-skilled migrants, which is really discrimination against the lower-paid, will have negative consequences for a range of sectors. We await with interest the publication of the immigration Bill to see how the internal differences within the Government are resolved, but the Government are asking all of us to vote for their deal without telling us what their new immigration policy will be. This is a blindfold Brexit deal. As I said at the beginning, the Opposition honour and respect the referendum vote, but how can it be that Ministers are asking the House to vote for a deal that neither leavers nor remainers are happy with; asking us to vote for a deal when so many crucial issues, notably on security, are not yet clear; and asking us to vote for a deal that could endanger not just our economy but our security? The more we examine the deal, the more it becomes clear that the House cannot vote for it.

Mr Sam Gyimah (East Surrey) (Con): It is with a sense of trepidation that I stand to speak from the Back Benches for the first time in six years and for the first time since I resigned last Friday in order to vote against this withdrawal agreement. I loved my job. Innovation, scientific endeavour and our universities represent the best of Britain, and they underpin our future and our place in the world, so I did not take the decision lightly. At this point, I would like to say congratulations and good luck to my successor, my hon. Friend the Member for Kingswood (Chris Skidmore), and wish him all the best in that job.

I carefully considered the deal, which has been described as having a remain flavour. Even as a remainr, it became clear to me that it was not politically or practically deliverable, and that it would make us poorer and risk the Union. I encourage everyone to look at the deal and come to their own decision. I believe that whether we are leavers or remainers we are all first of all British and that it is the national interest we care most about, but the political declaration is not a deal; it is a deal in name only. It is a framework for negotiation with a lot of aspirations. Yes, it has all been hard fought for and hard won—I give the Prime Minister and her team the credit for that—but, now that it is in front of us in Parliament, we have to look at it as parliamentarians. My right hon. Friend the Home Secretary admitted at the Dispatch Box that the deal might not be perfect, almost implying that this was like trying on a pair of shoes that were not the right colour and perhaps a bit tight, but getting on with it and life would be fine. However, this deal is like a pair of shoes with holes in the soles. It is fatally flawed.

There are three big reasons for that. The first is that all the big issues, whether they relate to security, home affairs, agriculture, fishing, our independent trade policy or frictionless trade, have been kicked into the long grass. While the public are being told that this is almost like the end of the process, we are actually just finishing one process and about to begin on another long and arduous process. We will be doing that at a time when we will have given up our vote, our veto and our voice, and will have no leverage whatsoever.

The ultimate fall-back position in this deal is the Northern Ireland backstop. We will be negotiating with the clock against us, with a fall-back position that is existential for us and not existential for the EU, and we will be expected to get the best deal for Britain. I doubt very much that we will. I believe that, in voting for this deal, we will be losing and not taking control of our destiny. We must be clear-eyed as we go into these negotiations because they have been set up for failure. The EU will manage the timetable, it will manage the sequencing of the negotiations, it will set the hurdles and it will tell us when we can progress to the next stage. That is what happened in the first phase of the negotiations and that is what will happen in the second phase. We will always be in a position in which we have to walk away or fold, and I know what will happen: we will always fold because the clock will be ticking.

The EU elections next year will pose a big problem for us. In 2019, everyone in the EU will be focused on those elections, so I doubt that much progress will be made during the first year of our initial two-year implementation period. At the end of that year there will be a new Commission and a new Parliament, which will not be party to the political declaration on which we will vote in the House. A new Trade Commissioner will be appointed. We will then have one year, as part of the first implementation period, in which to negotiate
or go for an extension. In all likelihood we will go for the extension in June-July that year, so we will trip into the second implementation period and pay a significant amount of money for the privilege. We will go into the second period with a general election on the horizon, a Northern Ireland backstop that no one in the House wants, and yes, whatever assurances we are given, in all likelihood we will pay any price that the EU asks of us in order to get out of that backstop. So what do we have? We have “best endeavours” to rely on.

In my previous job as science and innovation Minister, I was involved in the Galileo negotiations. The EU stacked the deck against us time and again. Before the ink was dry on the transition deal, we were served notice that we could not participate in the security aspects, although when we were negotiating the deal we were led to believe that we could. We were then served notice that British industrial interests could not bid for contracts, even though British companies had built the encryption and security elements of Galileo—or, rather, they could do that, but they would have to move to countries within the EU in order to do so. We threatened to use our veto. The date of the vote was moved, and during the interregnum the EU changed the rules to involve simple majority voting, so our veto did not apply. Galileo is a foretaste of what is to come in these negotiations. We are setting ourselves up for failure by going down this route.

Carol Monaghan: The hon. Gentleman must appreciate that the concerns about Galileo were raised as long ago as the summer of 2016. It is simply not the case that the potential problems of access were not known during the negotiations. Many articles were written about it and many representatives of industry raised their concerns with us.

Mr Gyimah: The concerns were raised and were discussed. We signed a transition deal on the basis of best endeavours, only to realise that that was not the basis on which the other side was operating.

I bear no grudge against the EU for putting the EU first. I bear no grudge against the EU for aggressively prosecuting its interests. What does concern me is that, given the political declaration that we have before us, we do not have much leverage. The unique relationship that we are being told we can negotiate is unlikely to happen. What is most likely to happen is that we will be given a free trade agreement dictated to us by the EU.

We should level with the public. This deal does not bring closure. It is not a case of “Sign here, let us have a compromise and all the discord and disharmony that we have experienced over the last few years will suddenly disappear.” We will see Brexit Secretaries resign next year because so many of the issues have still not been thrashed out. The deal will not heal the divisions that we see in our country. Ultimately, we are at the foothills of a long and arduous process. Brexit will not be over as a result of the vote next week.

The Home Secretary said that there was no alternative, but I believe that that is a false choice. There are many options. What we have is a deal that has been engineered to put maximum pressure on all the other options in favour of the options that the Government are putting before us. We could list some of those options, and I will list them without prejudice initially. First, there is the Government’s deal. Secondly, there is the revocation of article 50. Thirdly, there is no deal. The important thing about those things is that all are within our control and do not require negotiation with the EU. If we want to negotiate with the EU, we can negotiate to extend article 50 in order to look at the backstop again. We can negotiate with the EU to extend article 50 in order to hold another referendum. We can negotiate with the EU to extend article 50 in order to look at the Norway option, in which I know a number of colleagues are interested. The Government may box themselves in with their own red lines, but that is no reason for Parliament to accept being boxed in by those same red lines.

There is, however, a constraint. The ultimate constraint seems to me that there is no majority for any option in this Parliament. There may be plenty of options, but I doubt that there will be a majority for them. I have said that we should not rule out, if need be, going back to the people. When I say that, everyone says that it will be corrosive of our politics, it will be destructive of our politics and it will be hugely divisive. We should not be presumptive about where the electorate are, but I believe that that is not a reason to vote for the withdrawal agreement. If we vote for the agreement, we will give the public the impression that this is the best compromise and there are no problems further down the line: this is Brexit done. Waking up and seeing that Britain is being hobbled and crippled in those negotiations would also disappoint voters and that would also be corrosive of our politics.

I resigned because I thought, “This is probably the biggest vote in which I will take part during my political career.” It is for each Member in the House to decide what to do but, for me, the national interest is not served by voting for the Government’s motion.

2.39 pm

Joanna Cherry (Edinburgh South West) (SNP): It is a pleasure to follow the hon. Member for East Surrey (Mr Gyimah), and I applaud his courage in resigning as a result of his concerns about the deal.

There is much I could say about the detail of this agreement: red lines breached, for example, and the Court of Justice of the European Union articles 87, 89, 158 and 174 and article 14 of the protocol in relation to Northern Ireland make it very clear that the Prime Minister has had to make some pretty major concessions on her red line on the Court of Justice. We have heard in the Chamber—and have now seen it clearly in writing in the legal advice—that as a matter of law we could be trapped in the Northern Ireland backstop permanently and unable to get out of it, as I sought to clarify with the Attorney General earlier this week. The Northern Ireland backstop also means that the catch of fishing vessels registered in Northern Ireland will have preferential treatment through tariff-free access to the market in a way that fishing vessels registered elsewhere in the UK, including Scotland, will not have. I look forward—but do not hold my breath—to hearing the Scottish Conservatives making a fuss about that.

Today and the next few days should be about the bigger picture. I am looking forward to having an in-depth debate about immigration in due course, if we ever do see that much-promised White Paper, but I do
want to make a few remarks about it now before moving on to the bigger picture. As I said earlier, it is a matter of record, because Scotland voted to remain, that the Scots did not hold the same concerns about sovereignty or immigration as held elsewhere in these islands, yet the political declaration confirms the UK Government’s intention to end freedom of movement. That will see people across these islands, but in particular the Scots who did not vote for it, lose the rights they have as EU citizens.

This is a deal that will see us made poorer not just economically, but also, equally importantly, socially. Even the Migration Advisory Committee has acknowledged that inward migration has made an overwhelmingly positive contribution to the economy of these islands, and particularly Scotland. The MAC, while failing to acknowledge the need for regional and national variations in immigration policy across the UK, did knock on the head many of the myths about immigration that drove the sort of xenophobia that led to the poster the Labour spokesperson, the right hon. Member for Hackney North and Stoke Newington (Ms Abbott), described earlier.

Scotland in particular has benefited from inward migration because at the start of this century we had a dwindling population and that EU migration has built our population and brought many young and economically active people into Scotland. Any Scottish MP who holds regular surgeries will confirm that that is a fact. There are two major universities in my constituency and all the academics tell me it is a fact that the process of Brexit and the rhetoric around immigration in this country is discouraging people from coming to live and work and study in Scotland. Scots did not vote for that, and that is one of the many reasons why we will not be supporting this deal.

Freedom of movement has been vital to fill gaps in the employment market in Scotland, and indeed across the UK. We have a big crisis across the UK in how we look after our ageing population. A lot of the people who look after our ageing population at present come from elsewhere in the EU and it will be a real shame if we discourage them from coming here in the future.

Mr Nigel Evans: I agree with the hon. and learned Lady about students coming to the UK and that they should be able to work for a period as part of the payback; I think that is important. But does she accept that many people who voted for Brexit are not saying no to immigration? This is just about controlling immigration and that it should be this Parliament and the Government of this country that decide immigration levels.

Joanna Cherry: No one is saying we should not have an immigration policy; of course we must have an immigration policy. The point I am making is that the immigration policy should be evidence-based and take account of the needs of the economy and the different regions and nations of these islands, and this Government’s policy does not do that. If the Government have such a great idea about future immigration policy across the UK, why is it taking them so long to publish the White Paper? And if they are so keen to throw their arms open to people from all across the world and have everyone come here on an equal basis, why does the Prime Minister—the Prime Minister of those on the Conservative Benches—persist in her ridiculous net migration target? It is just nonsense that the Conservatives want to throw the doors open; for so long as the Prime Minister is in place and that ridiculous migration target is in place, that simply will not happen.

David Linden (Glasgow East) (SNP): The Government will try to ramp up the rhetoric around EU migrants, but the reality is that in order to get some of their trade deals through, they will have to bend the visa rules for India and elsewhere, so what they take with one hand they will give with the other anyway.

Joanna Cherry: I entirely agree with my hon. Friend. It is crystal clear that if we ever get to the stage of being able to enter into third-party trade deals, which looks pretty unlikely at the moment, in return for access to the markets of countries outside the EU, those countries are going to want access to the UK for people who want to migrate from their country to here.

Wera Hobhouse: Does the hon. and learned Lady agree that it is the language around immigration that has been so toxic? I am a European migrant and I look around thinking, “Do they mean me?” That is exactly what other Europeans feel.

Joanna Cherry: I agree, and part of the reason why the language has been so toxic is that we have been talking not about the reality of the situation but about a perceived reality.

A Labour Member who is no longer in his place made a point earlier that I entirely agree with: the Conservatives have through their policies created a great deal of poverty across the UK. Wales and Scotland have to an extent been protected from that because we have had different devolved Governments, but I notice as I travel around provincial England that the infrastructure is not in as good condition as it is in Scotland. No social housing has been built here for years, too; in contrast we are building a lot of social housing in Scotland. Many working-class people in England have been led to believe that the cause of their woes, such as the fact that they cannot get a house or a well-paid job—they can get a job, but not a properly paid job—is the immigrants, when it is the fault of this toxic Conservative Government.

Under the withdrawal agreement, EU citizens who are already here will not continue to enjoy the same rights that they enjoy now: they will continue to enjoy some rights, but not the same rights. They will lose their lifelong right of return, they will not have the same family reunification rights, and they will get no protection from inadvertently becoming undocumented illegal citizens—and, my goodness, the Windrush scandal has taught us what happens to undocumented citizens who are lawful citizens in this country. God help EU citizens who find themselves undocumented illegal citizens. Do not take my word for it; take the word of the National Audit Office and reports of various Committees in this House. And in order to hang on to the rights they already have—not to get a passport, but to get the digital identity that means they can hang on to the rights they already have—fees will be imposed on EU citizens. In Scotland, the Scottish Government have
said they would pay those fees for those working in the public sector, but now it appears that there might be a bit of a tax cut in relation to that, and I am looking forward to the Conservative Government addressing that properly, and perhaps extending the same largesse that the Scottish Government have to people working in the public sector south of the border.

I am going to touch briefly on the security, justice and law enforcement issues. As other Members have said, it is simply impossible for us as a third country to have the same degree of security, justice and law co-operation that we previously had, and, in fairness, the Home Secretary recognised that. But one of the things that has concerned those of us who represent Scottish constituencies—or some of us, at least—and the Scottish Government and commentators in Scotland most about this process has been the abject failure of the British Government to recognise that Scotland has a separate civil and criminal justice system. This is not about devolution; this is about the Act of Union. Scotland has had a separate legal system forever, and it is protected by the Act of Union. Yet our separate criminal justice system, our separate civil law system, and our separate Law Officers have not been consulted properly on the impact of these matters on the Scottish legal system. As we know, there is no mention whatsoever of Scotland in the withdrawal agreement or the political declaration. A lot of other much smaller regions get a mention, but not Scotland. This is not fanciful; I know, because I used to work in the Crown Office and Procurator Fiscal Service, that co-operation across Europe has made a huge difference to law enforcement in Scotland, and if we lose that, we will be worse off as a result.

As I said earlier, today is a day for looking at the bigger picture. Speaking as someone who represents a Scottish constituency and as someone of Irish parentage, I see the bigger picture of the whole Brexit process as a bigger picture. Speaking as someone who represents a Scottish constituency—or some of us, at least—and the Scottish Government have to people working in the public sector south of the border. That old anti-Irish xenophobia that people like my mother remember so well has raised its head again, even to the extent of some on the Conservative Benches—were and still are unable to accept the reality of the legal obligations that the United Kingdom undertook in that agreement. That old anti-Irish xenophobia that people like my mother remember so well has raised its head again, even to the extent of some on the Conservative Benches talking about the Irish tail wagging the British dog, and other such insulting metaphors. However, because the EU27 got behind the Irish Government’s legitimate concerns, they became central to the Brexit process. Conservative politicians—not all of them, but some—and indeed a few on the Benches behind me, waited in vain for the EU27 to crack and throw Ireland under the bus. That did not happen, and it is not going to happen.

I was at an event recently where the distinguished professor of modern history at University College Dublin, Mary Daly, remarked that the current situation in this House had uncanny echoes of what happened here 100 years ago when the electric politics of Ulster determined the 100th anniversary of the election of the first female MP to this Parliament. She was of course the distinguished Irish nationalist, the Countess Markievicz, who went on to be the first woman Cabinet Minister in western Europe. The truth is that the problems that arose as a result of partition have come back to haunt this House as a result of the Brexit process, but I believe that something that unites us all is that we want to see peace being kept in Northern Ireland.

Sammy Wilson: Does the hon. and learned Lady accept that the Republic of Ireland actually has been thrown under the bus but does not realise that the wheels are running over it? If this agreement goes through, a border down the Irish sea will affect not only Northern Ireland but the Republic of Ireland, whose main market is GB and which takes its goods across GB, using it as a land bridge. It will find checks not just at Holyhead but at Dover.

Joanna Cherry: No, I do not accept that. I speak regularly with politicians from all parties in the Republic of Ireland and that is certainly not how they see matters. In fact, politicians, businesses and the wider community in the Republic are broadly very happy with the way in which the European Union has dealt with this. It is sometimes conveniently forgotten in this House that Northern Ireland voted to remain in the European Union. It is forgotten partly because Northern Ireland has not had the democratic voice of its Assembly during this time. It is only the voice of the right hon. Member for East Antrim (Sammy Wilson) that has been heard here in relation to Northern Ireland, but his party, the Democratic Unionist party, does not represent the majority of people in Northern Ireland, who voted to remain. The Prime Minister has refused to meet the Greens, the Social Democratic and Labour party, Sinn Féin or the Alliance, which is quite disgraceful.

Meanwhile, in Scotland, the people voted to remain in the EU by an even more substantial margin than that of Northern Ireland. It was 62%, and polls show that if a vote were held tomorrow, the figure would be nearer to 70%. Despite that, the Scottish Government have concerns. They are a democracy, and they care about what happens in this place, although I know that those on the Conservative Benches like to call them the SNP Government and pretend that they have no legitimacy. They were elected democratically, and their legitimate concerns, which are often supported by other parties in the Scottish Parliament—as they will be today when the Liberal Democrats, the Greens and Labour will vote with the SNP to try to protect Scotland from the consequences of Brexit—have been wholly ignored. We can only look on with envy as the concerns of the Irish Government are placed centre stage in Brussels. Unlike Northern Ireland, Scotland has had a strong and functioning Government and Parliament during this process that have been well able to express their views, but that has not protected us. This Brexit process has highlighted the limits of devolved—as opposed to independent—government.

Patrick Grady (Glasgow North) (SNP): My hon. and learned Friend is absolutely right. We fully expect the Scottish Parliament this evening to endorse a cross-party motion rejecting the withdrawal agreement, just as the Welsh Assembly did last night. The Scottish Conservatives are describing that debate as needless. They suggest that
Scotland does not need to talk about Brexit, that the big Parliament in Westminster will make that decision for us and that we should know our place. That exemplifies just how they want to undermine devolution and use Brexit to do so.

**Joanna Cherry:** Of course, of the Scottish Conservatives do not represent the majority of Scottish opinion in relation to anything, let alone Brexit. It is often forgotten, after the hullabaloo when they won seats here last year, that they are still very much in the minority in Scottish politics and the Scottish Parliament.

Let us look at what has happened to Scotland in the past two years. The UK Government cut the Scottish Government out of the Brexit negotiations completely. The Scottish Government put forward the idea for a differentiated deal or a compromise for the whole of the United Kingdom at an early stage, but that was completely ignored. The Scottish Parliament voted—with the cross-party support of everyone apart from the Tories and one Lib Dem—to withhold consent to the European Union (Withdrawal) Bill, but that, too, was ignored.

When the Scottish Parliament tried to pass its own legal continuity Bill, it was challenged by the British Government in the UK Supreme Court, and we are still waiting for that decision. When amendments to the withdrawal Bill came back from the House of Lords to the Floor of this House, Scottish MPs got 19 minutes to debate the implications of those amendments, with the rest of the time being taken up by the Government Minister. Scotland is not mentioned in the withdrawal agreement or the political declaration, while little Gibraltar—important though it is—was afforded advance sight of the agreement. The Scottish Government saw it only when the rest of us did.

My point is that Scotland’s marginalisation and its very weak bargaining position within the Union that is the United Kingdom have been very exposed by Brexit. After our failure in the independence referendum of 2014, 56 Scottish National party MPs were elected to this House, yet not one of our amendments to the Scottish Bill at that time got passed, despite the fact that we had 56 of the 59 seats in Scotland and 50% of the vote at that time. We were told that the wonderful Scotland Act was going to give us huge amounts of power and that we would have the most powerful devolved Parliament in the world. I would like to ask any fair-minded person in this Chamber, and anyone watching, whether they think the sequence of events I have just described really makes it sound as though we have the most powerful devolved Parliament in the world. Of course it does not, because devolution’s constitutional fragility has been revealed by Westminster’s assertion of control and attempts to repatriate powers here from Brussels, and by the disregard shown for Scotland’s preferences in the negotiations in Brussels.

The Brexit process has told Scottish voters a lot about the reality of devolution. It has told them that power devolved is indeed power retained, and that the United Kingdom is not the Union of equals that we were told it was before 2014 but a unitary state where devolved power is retrieved to the centre when convenient and where no one but the Conservative party, which represents only a minority of voters in Scotland, gets a say on major decisions over trade and foreign policy.

The experience of Ireland and Scotland during the Brexit process shows a significant contrast between the way in which nations that are member states of the European Union and nations that are members of this Union are treated. I heard the distinguished former Taoiseach of the Republic of Ireland, John Bruton, speak recently. When he was asked about this by a member of the audience, he said that Scotland’s marginalisation within the United Kingdom would not happen in the European Union, and that if the European Union were taking a decision as drastic as Brexit and it had only four nations in it, all four nations would need to agree. In the UK, however, it does not matter what Scotland and Northern Ireland say. They can always be overridden by the English vote. That is not an anti-English comment; it is a comment on the constitution of the United Kingdom. If Scotland were a member state of the EU, even though we are a country of only 5.5 million people, we would have the same veto as Ireland over such a major decision, in the same way that the big countries have.

There is still a little bit of hope for Scotland, and it comes from the cross-party working that we have seen there, both in the Scottish Parliament today and from the group of politicians, of which I am proud to have been a member, who took a case to the Court of Justice of the European Union. We found out yesterday that the advocate general says that proceedings under article 50 can be unilaterally revoked. I was interested to hear the Prime Minister acknowledge earlier today, in response to a question of mine, that it is highly likely that the grand chamber of the Court will follow the advocate general’s opinion. It seems that Scotland, Scottish politicians and the Scottish courts are throwing this Parliament a lifeline that would enable it to get out of the madness of Brexit.

Even if we do throw that lifeline, the United Kingdom Parliament takes it, there is a second referendum, and the whole UK is smart enough, having been put in possession of the full facts, to vote to remain part of the European Union, do not think that that will be the Scottish question closed, because the Brexit process has wholly revealed our inferior status within the Union, and people will not forget that. The last two years have shown us that across the United Kingdom, the leave vote was won on the back of promises that have proved undeliverable. Many people say that those promises were lies, but whether they were or not, they have proved undeliverable.

It is hard for me to be fair to the Prime Minister because of the scorn that she has shown for Scottish democracy, but I will try: I do not think that it is because the Prime Minister is a bad negotiator that the deal is bad. The truth is that there is no better deal than the one the United Kingdom currently enjoys from within the European Union.

The Prime Minister at least tried to negotiate a deal. Others who led the leave movement have totally and utterly abdicated their responsibility. I watched with interest yesterday while the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) attempted and struggled to explain what he wants. I was none the wiser at the end of his speech. Let us not forget his partner in crime in the leave movement, who has now left the Treasury Bench: the Secretary of State for Environment, Food and Rural Affairs. Why did he not
take the job of Brexit Secretary when it was offered to him a couple of weeks ago? If someone desires something so much, why not take responsibility for delivering it? I think we all know the answer to that question.

Then, of course, there is the right hon. Member for Halsman and Howden (Mr Davis). His insouciant appearances at the Exiting the European Union Committee were highly entertaining, but also deeply shocking. Now where is he? We have not seen him in the Chamber much in the last few days, but he is certainly not proposing any firm alternative to the deal.

The much maligned Court of Justice of the European Union, with the assistance of Scottish parliamentarians and the Scottish courts, has opened up new vistas of possibility for this Chamber. There is a chance of reversing the madness, but I accept that there will need to be a second vote. To achieve that, we will have to work cross-party in this Chamber. There is a lot of that going on already. May I respectfully suggest that parliamentarians in this Chamber look north to what is happening in Edinburgh this afternoon? They would see that it is possible for at least the Scottish National party, the Labour party, the Lib Dems and the Greens to work together. We know from this House that it is also possible for those parties to work with some Members on the Government Benches.

I want to make something crystal clear. Make no mistake about what would happen if there was a second vote across the UK, and England, in possession of the full facts on the reality of Brexit, again voted to leave—I am quite sure that Scotland would vote to remain. Scotland would not stand for that, and there would have to be a second independence referendum. This time, we know that we would have a far more sympathetic ear in Europe, even from the Spanish, supposedly Scotland’s great enemies. Their Foreign Minister said recently that if Scotland secedes from the UK constitutionally, he will not veto Scotland’s membership of the European Union.

As I said yesterday, I very much hope that when an independent Scotland tries to seek membership of the European Union, it will be remembered that it was Scottish parliamentarians and the Scottish courts who attempted to give the UK Parliament an escape route from Brexit. Even if the United Kingdom takes that escape route, the Brexit process has shown that the United Kingdom in its present form is not a Union in which Scotland can continue to function properly.

James Heappey: Will the hon. and learned Lady give way?

Joanna Cherry: No, I am coming to the end of my speech.

We have seen writ large during this process the difference between what it means to be a member of the United Kingdom and a member of the European Union. In the European Union, even small countries such as Ireland are equal partners with big countries such as Germany and France. In the United Kingdom, a small country such as Scotland is not an equal partner with England. A power devolved is a power retained, and Scottish democracy is always at the whim of the majority in this House. That is not tolerable.

Regardless of what happens with Brexit, which I very much hope is reversed for the whole United Kingdom, I hope that the Scots will soon take the opportunity to say that Scotland’s position in the UK Union is not tolerable. We want to take our seat at the top table in the European Union, where I very much hope we will eventually be an equal partner with England, because I hope England stays, too.

Several hon. Members rose—

Mr Speaker: Order. On account of the level of interest, an eight-minute limit on Back-Bench speeches will now apply.

3.5 pm

Justine Greening (Putney) (Con): I have always been a pragmatist on Europe and our membership of the EU, so my community and I wanted a practical way forward found following the referendum, but the Prime Minister’s negotiated deal, which we are being asked to vote on, while well intentioned, is not a practical way forward for Britain. It means rules without say. Instead of us taking back control, it gives away control. We will have less say over the rules that shape our lives. Worse, we will not be at the table when rules are set that will matter to Britain strategically—rules that might disadvantage the City or British industry if designed the wrong way. We are not taking back control; we are giving it away.

From my perspective, that sovereignty giveaway alone makes the deal unacceptable for Britain. In fact, I find it impossible to see any future Parliament ever updating fresh rules set at EU level that we have had to commit to, whether we liked them or not, so this deal will in the end be shown to be inoperable, most likely when we have a Government with a low or no majority, as at present. This fragile and unstable withdrawal agreement and political declaration will double up political instability, and translate it into economic instability, making things worse.

The PM’s deal is inoperable. I might welcome the Government’s assurances on EU workers—there are many in my community—but the detail is limited to the very short term. My constituents and people running businesses who come to my surgery want more than that; they want to know what happens beyond the so-called transition period. As others have said, it is disappointing that the Government have not yet set out their immigration plans for the House to take into consideration during today’s debate and at next week’s vote. This really matters to the very mixed community that I represent; it needs clarity.

On the Union, and Northern Ireland in particular, I am greatly concerned about the deal undermining the Good Friday agreement, and the Government’s weak approach to the backstop. I am concerned about the prospects for the re-emergence of a hard border in Northern Ireland, and about that becoming more of a challenge the more we diverge on product standards and regulations. I am concerned about the prospects of a Northern Ireland that risks being increasingly decoupled from the United Kingdom, and about how that could undermine the Union that is at the heart of the United Kingdom.

I am sure that others will talk about the economic projections. The effect on our economy and jobs is also of huge concern. The open-ended and uncertain period
covered by the withdrawal agreement leaves this country utterly exposed as a rule taker, at a time when we face global economic uncertainty and an increased push for protectionism. During this period, the EU can decide whether we are breaking rules on state aid or have complied with them, and whether and how much we can be fined. It will be judge and jury. That is what we are being asked to support in the withdrawal agreement, and I cannot accept it.

As my hon. Friend the Member for East Surrey (Mr Gyimah) compellingly set out, the timescale covered is hugely likely to be extended.

Mr Pat McFadden (Wolverhampton South East) (Lab): The right hon. Lady is absolutely right about rule-taking and sovereignty. Does she agree that the reason we have got into this position is that the whole Brexit debate has defined sovereignty as being purely about immigration and the movement of people, and not at all about the rules that govern our economy?

Justine Greening: I think people are now much more familiar with the trade-offs involved in Brexit. I will come back to that point later.

This thing is called a transition period or an implementation period, but a transition to what? The bottom line is that all we have on our destination is 26 pages of something called a political agreement. It is not binding, there is no detail and there are no guarantees or timescales. For anything that is comparable, such as a big infrastructure project, we would have a national policy statement, with perhaps 1,000 pages of detail for the House to consider. Here, we have just 26 pages.

A proposed deal on leaving the European Union is perhaps the ultimate national policy statement, yet we have virtually nothing. It is the political equivalent of being asked to jump out of a plane without knowing if your parachute is attached. It is like agreeing to move out of your house without knowing where you are going to live next, or not having agreed the sale price, but signing the contract anyway. None of us would do that in our own lives, yet the withdrawal agreement and political declaration ask us to do it on behalf of our country.

Overwhelmingly, my community does not support the deal. I will not, therefore, be able to back it. There are practical problems and there are problems of sovereignty, but there are democratic problems too, because this Brexit deal is not the Brexit that leave voters voted for. It does not deliver on the result of the 2016 referendum. I, for one, argue that a referendum is one way in the very time when we desperately need a long-term plan. People deserve better. That is why they are so frustrated.

Brexit has turned into a pantomime, it feels like groundhog day, and there is gridlock in Parliament. We have been talking about Brexit for years, and we all need to recognise that Ministers, Front Benchers and MPs will of course vote the way they think is right. I hope the Government do consider a free vote for Government Members, because we all represent very different communities with very different views. However, free vote or no free vote, I believe it is clear that there will be no majority in this House for any Brexit route forward—not for the Prime Minister’s deal; not for Labour’s ever-opaque deal, whatever it may be; not for no deal. There is no majority for anything, yet we have to bring this to a resolution. We cannot keep going round in circles forever. We have to solve Brexit so that we can get on to solving some of the issues that lie behind Brexit. Parliament now needs to take the steps that will allow us to get back on to a domestic agenda, which is what the public want.

Some Opposition Members might say, “Let’s have a general election,” but that would solve nothing, because Brexit is not about party politics. That is why the House has had so many challenges in grappling with Brexit-related legislation. This place is gridlocked. Giving a party political choice to people on a question that is not about party politics will not work. Labour is putting its own narrow party political interests ahead of the country’s vital need to resolve the path forward on Brexit.

I know that the route forward that is left might be unpalatable to many, including Labour and Conservative Front Benchers, but it may be the only viable route out of Parliament’s gridlock, and that is to do what we always end up doing in a democracy: ask the people. A referendum can be held in 22 weeks. We could hold one on 30 May.

Mr Mark Prisk (Hertford and Stortford) (Con): My right hon. Friend spoke about the importance of healing divisions. Many of my constituents are very concerned that a second referendum would make those divisions worse. What does she say to them?

Justine Greening: I do not think we can heal divisions by pretending that they are not there. I certainly do not think that it is democratically justifiable for the Government to ram through a version of Brexit that is not what people who voted for Brexit want. That, we have to agree, cannot be acceptable. Combine that with the fact that this House will be gridlocked on all the options—that is just the practical reality—and it is clear that we have to find another route forward.

I, for one, argue that a referendum is one way in which we can enable millions of leave voters who do not think the Government are delivering on the verdict of the referendum to have their say, in a way that they do not think is happening in this Parliament. We now have some clear-cut practical choices, and we should put them on the table for the people to decide.

Mr Nigel Evans: Will my right hon. Friend give way?

Justine Greening: I will make some progress, given the time.
These are the options on offer for Britain: the Prime Minister’s deal; staying in on our existing terms; and, of course, having a cleaner break and leaving on World Trade Organisation terms, but then having a free trade agreement afterwards. This House should have the confidence to put the clear practical options that we now face back to the people. That is why I believe we should have a people’s vote.

This deal has united people in opposition to it. Nobody gets what they want. That is not compromise. Opposition to the Prime Minister’s deal on all fronts is not a virtue; it is the opposite. It goes in exactly the wrong direction and it will take us back to square one. Given that this deal is irreversible if we vote it through, this House owes it to future generations to make sure that we do not just hope that we are taking the right route forward on Brexit, but we know we are taking the right route forward on Brexit, and that means asking people for their view.

Yvette Cooper: (Normanton, Pontefract and Castleford) (Lab): The Prime Minister’s deal is not really a deal at all; it is a stopgap. Parliament is being asked today to vote with a massive blindfold around our heads. We know not what our immigration arrangements will be, because the Government have not published the White Paper; we know not what our trade arrangements will be, because the political declaration is unclear; and we know not what our security co-operation will be, because the declaration is just too vague.

Last month—only last month—the Prime Minister told us that nothing was agreed until everything was agreed. In fact, most things have not been agreed at all. The Prime Minister is asking us to walk out the door, slamming it behind us, without any idea where we are heading or even where we will rest our heads tonight. I think that that is irresponsible, because it is not just that we are blindfolded about where we are heading; as the hon. Member for East Surrey (Mr Gyimah) said in a very thoughtful speech, it weakens our negotiating hand in sorting out the future and establishing where it is we will end up.

The chief executive of Haribo in my constituency said in response to the transition proposals:

“Two years is significant to our supply chain decisions so this would be very welcome, but the uncertainty would just be delayed... Everything that is an extension of the delay is only useful if it is clear what will happen at the end of the extension, so we can prepare for it.”

The problem with the political declaration is that, as paragraph 28 admits, there is a whole “spectrum” of checks and controls. Depending on which paragraph one reads, there could be rules of origin checks or alignment with the common tariff, and the hit to our national income could be as bad as 7%. Depending on which paragraph one reads, it could be nearly Norway, it could be back to Chequers, it could be off to Canada or it could be far beyond—we simply do not know.

On security, things are not much clearer. The continued access that is promised to the Prüm fingerprints database and to shared passenger name records is welcome, but the absence of any reference to the crucial Schengen Information System II European criminal database, which our Border Force and police currently check more than 500 million times a year, is deeply troubling, as is the absence of any reference to the European criminal records information system, or ECRIS. Those tools are used to catch criminals, stop terrorists, monitor sex offenders, find dangerous weapons and stop serious criminals entering the country. The police have been clear that our country is less safe without those measures, and I do not think that this House should be voting for things that could make our country less safe.

The Government also need to be clear with us about the impact of all that, because the EU’s resistance to committing to allowing us access to SIS II is frankly reprehensible. However, that is the EU’s current position, and I fear that this deal weakens our ability to sort this problem out in future and to get the commitment that we need, which will be in all our interests. The Home Secretary said, “Well, we didn’t have these measures a few years ago, so this won’t cause a huge problem,” but the truth is that the security and cross-border criminal threats that we face now are much greater than they were a few years ago, and our police and agencies are running to catch up. Our job here should be to support them in that work, not to make it harder for them or to hold them back.

Yvette Cooper: That is right, because my understanding is that the Prime Minister and the Home Secretary did ask to have those measures included, because they understand how important they are, but the EU continues to resist. I think that that is wrong and irresponsible, but if we are going to have an ongoing negotiation on this, we should do that from a position of strength and not by weakening our position, which I am afraid that this deal does.

What are we going to say to victims of crime in the weeks after we lose access to the SIS II database if the police or Border Force fail to stop a dangerous offender who is on the SIS II database and known to other countries? What happens if we do not let the police have that information and then the offender commits another crime? Perhaps the most troubling thing of all is that there is no security backstop in this deal. Unlike for Northern Ireland and for trade, there is no backstop to continue security co-operation until a future security treaty or overarching treaty is agreed. If the transition period runs out and we have not agreed such things, we will lose vital capabilities. Given how long it takes to negotiate complex arrangements around extradition and how long it will take to ratify a full treaty, that is another irresponsible decision for us to take.

On immigration, the proposals that we still need to see will affect not just EU citizens wanting to live and work here, but UK citizens wanting to live and work in the EU and, obviously, the arrangements for business recruitment. If the Home Office does genuinely have an immigration White Paper all ready to go that it is planning to publish later in December after the vote, it must resist putting doubts in this House about the chance to see it before this vote would be. If the Home Office has that White Paper, it should publish it this week so that Members have time to see it before the vote.
I support amendment (c), in the name of my right hon. Friend the Member for Leeds Central (Hilary Benn), because it opposes not only the Prime Minister’s deal, but no deal. I agreed with the Home Secretary when he said earlier that there are significant security risks from no deal. There are clearly economic risks. One local factory told me that the cost of its imports will double in price if we go to WTO tariffs and another half, and the fact of interventions taking time, the time limit co-operation—whether the United Nations, NATO or, Mr Speaker. Broadly speaking I believe in international cooperation—instead. On security, however, the threats are even greater, the police and Border Force would immediately lose access to crucial information that they use to keep us safe, including legal agreements that underpin ongoing investigations and trials, all of which could immediately be put at risk, and the European arrest warrants that we have out on the Skripal suspects. Even if hon. Members do not care about stockpiling medicines or lorry parks on Kent’s motorways or the Bank of England’s warnings about recessions, I hope that they will take seriously the warnings from the National Crime Agency and the National Police Chiefs’ Council about the risk that no deal will make us less safe.

The Prime Minister also has a responsibility to be ready if and when this vote goes down, given the strong views against it. She must be ready to take the opportunity to go immediately to Brussels and to request an extension of article 50 so that everyone has time to draw breath. I know that extending the process would be painful for all sides and that no one wants to be the person calling for it, but we must be honest that the process will carry on regardless. We have to start behaving like grownups and actually recognise the serious things that we are going to have to do.

We will need time to build a consensus around any possible way forward. I think that is possible to do, but I recognise the hugely different views in this place and across the country. This deal is flawed and makes us weaker, but we need to take the time to build a consensus on the way forward. In the end, that is why we are here. The Prime Minister has tried to find compromise, but she has done so without reaching out, without trying to build consensus, without trying to consult, and without even giving this House the chance to vote on what the objectives of the negotiations might be. We cannot do something this big and this hard with this many long-lasting consequences without building some consensus. That is the task for us now. It is going to be hard, but that is the test of our politics. I believe we are up to it, but we are going to have to prove it.

Several hon. Members rose—

Mr Speaker: Order. On account of the level of interest and the fact of interventions taking time, the time limit will have to be reduced to seven minutes per Back Bencher immediately after the next speaker. Mr Shapps will be the last to have the opportunity of eight minutes.

3.26 pm

Grant Shapps (Welwyn Hatfield) (Con): Thank you, Mr Speaker. Broadly speaking I believe in international co-operation—whether the United Nations, NATO or, indeed, the European Union—because a rules-based world is a safer world. However, I also recognise that being a member of a club has advantages and disadvantages, because members must compromise over some sovereignty and pool some resources. When I was in Cabinet, I led a number of trade missions to south-east Asia, including Malaysia, Singapore and Taiwan, but it was in Hanoi that the compromise struck me most. Having negotiated over some communist paperwork preventing British beer being landed at the port, we then got down to the further 20 items on the agenda, and the only thing that I could say to the Vietnamese Deputy Prime Minister was, “These are all very interesting issues, and I’ll take them back to the European Trade Commissioner,” from whom some Members may not be surprised to hear we never heard again.

When it came to the 2016 referendum, I could see both sides of the argument, and it took me right up to the ballot box itself to decide that I would vote remain, which I did. My decision is not dissimilar to that of many other citizens in our country—certainly my Welwyn Hatfield constituents—who also voted along national lines. The argument could be said almost to reveal the fact that the division was 52:48—half and half—with lots of people seeing both sides. That has led to the idea that we should leave the EU to honour the result but that we should perhaps not leave too much lest we fail to represent the 48% who were for remain. I fear that this Government’s anxiety to do just that is, in the end, in danger of pleasing no one—certainly not our fishermen, who face another two years in an EU-wide catch zone, nor our colleagues in Northern Ireland, who fear separate treatment, nor those in other parts of the UK, who either see what the Northern Ireland exemption is going to bring and want it or fear that the differences will help to carve up the country.

We have therefore agreed a backstop designed to protect against the construction of a physical border on the island of Ireland that nobody wants and nobody says that they will build. However, that backstop has become the real deal breaker for this withdrawal agreement, and I will explain why. As MPs, we understand that there is a simple principle that no Parliament can bind its successors. Unlike other countries, we have never attempted to codify our constitution in a single written document that is later nigh on impossible to change, so not for us an unbreakable second amendment made in 1791 that now means guns kill 33,000 people a year in the United States. I would argue that our unwritten constitution has served us well in providing flexibility, which occurs all the time. There is an exception, which arises when we sign international treaties.

Treaties have a special status. These are laws that, when we pass them, we essentially agree we will never change without first coming to an international agreement to do so. They tend to be about human rights or chemical weapons, so the United Kingdom does not usually have a way in which it can walk away unilaterally, but we will leave a series of treaties made with the EU next March. Even then, it will only be because another treaty, the Lisbon treaty, gives us permission to do so through article 50.

That brings us to the legally binding withdrawal agreement, which is, in effect, a new treaty, complete with a backstop lacking a unilateral exit clause. “But don’t worry,” some say, “we will never fall into that backstop.” My question is what happens if we do?
Our history suggests that the chances of our unilaterally walking away are about on a level with America changing its second amendment, so the backstop is really something that we will never unilaterally leave.

Some people say, “But we will use best endeavours on both sides, and we will make sure that we never end up in that backstop in the first place.” Yet, as every businessperson knows, we should never sign a contract if we do not know what the termination clause will be. I find the issue troubling, so I have been mugging up on “best endeavours” over quite a few mugs of coffee, and I can tell the House that the phrase has an official meaning:

“Best endeavours’ places upon a party the obligation to use all efforts necessary to fulfil a contract. It is a stricter obligation than the lesser ‘reasonable endeavours’.”

That may sound promising but, alas, no, because best endeavours is by no means an absolute obligation. The concept of reasonableness still applies.

For example, satisfying best endeavours would not necessarily require the EU to put itself in a detrimental position. To take a real-life example, if a construction firm were asked to complete an office block by Christmas but things did not go to plan during the contract, it could do what was reasonable—it could even put more people on site—but if it could not reach the conclusion of building the office block before Christmas, it may none the less be said to have used all best endeavours, even though the outcome was not what anyone had expected.

In other words, we could end up in this backstop for ever, and that would be that. Our country’s entire trading future would instead be decided by five people—two from the EU, two from this country and one individual whom we do not know and whom we have never met. That individual, who certainly is not democratically elected to this place, would make the final decision, so our country’s future would be determined by that individual.

I find it difficult to support legislation that effectively removes power from this House and from this country, so for the first time as a Member of Parliament I find myself at odds with my own Government. With no sign of a solution, and certainly not in the Attorney General’s legal advice that was finally released today. I am afraid that I am left contemplating my vote on the withdrawal agreement next Tuesday. I am currently minded to vote against it.

Several hon. Members rose—

Mr Speaker: Order. I am afraid that the time limit will now be seven minutes.

3.33 pm

Mr Ronnie Campbell (Blyth Valley) (Lab): Sixty per cent. of people in my Blyth Valley constituency voted to leave Europe in the referendum. I have been voting against Europe for all of the 31 years I have been in this place, as has my hon. Friend the Member for Bolsover (Mr Skinner). We do not like the idea of Europe because it is not a socialist Europe as far as we are concerned, and of course it is bureaucratic and undemocratic. The voters are unelected and they have all the power, and we disagree with that. We also disagree with the United States of Europe, which would be disastrous for this country if it ever happened. My opinion on joining the euro goes without saying. Some on my side would join the euro, because Tony Blair said on television the other day that he may have wanted to join the euro. If not for Gordon Brown, perhaps we would now be in the euro.

This new treaty is now on our plate. We have heard this afternoon about immigration, and we have heard about the White Paper. It was supposed to be coming in March 2017, and then it was supposed to be coming later. It was supposed to be coming this week, before the vote. Now we are told that we might get it at the end of December. I have a funny feeling we will not see it at the end of this year, although we might see it at the beginning of next year.

All that immigration has been in this country is cheap labour. We have to be honest about that. People have been brought in, especially on the farms, as cheap labour. I remember, and my hon. Friend the Member for Bolsover will remember, when the Poles came in and came down the pit just after the war.

Mr Dennis Skinner (Bolsover) (Lab): It was different. It is the only occasion I can remember in my life when people came from abroad and were not here to make money for their masters. When the Poles and Lithuanians—they were really called displaced persons—came over to Britain, a lot of them worked in the pits. We had 700 pits then, and they were up north as well as in Derbyshire and elsewhere.

The reason why it was different is that they were paid the same money as the miners who were indigenous to Clay Cross, Parkhouse and Glapwell, and all the rest. Not only that, they had to join the trade union, which is why it is different today. When Mike Ashley comes along and gets 300 Poles to work at his factory in Shirebrook, they are there to make money for Mike Ashley, and only him. That is the difference.

Mr Campbell: How can I follow that? That is exactly what I was going to say.

Coming back to reality, when I first saw this treaty I knew what I was going to do. I was going to vote against it, and obviously I have not changed my mind. A lot of people who were perhaps going to vote for it have changed their mind and are now not going to vote for it. We have a treaty here that the Government will try to pass on Tuesday—I do not think they will pass it—and they have all the negotiations to do afterwards. They have to negotiate on the fisheries, but I am not sure about the fisheries because we have sacked all the fishermen. We are going to get all this water, but we have no fishermen to fish it, because they have all gone. We have made them all redundant, and we have got rid of their boats.

As we have heard, it is imperative that we have a deal with the EU on the law and the security of this country. We have not got one, yet we are expected to vote on Tuesday. No wonder nobody is going to vote for this deal. What is going to happen after the deal? What will happen when we turn it down? Where will we go from there? I am not going to vote for a no deal, as it would be criminal if we came out of the EU without any sort of deal. There is no chance of me voting for a no deal if that comes on to the Floor of the House. So where do we go from there? What happens if this House cannot make its mind up and decide? I do not like referendums,
because everybody then wants another one, as we have seen in Holland, France and Germany, and with the Scots. They all wanted another one. It is hard for me to say, “Well, if this House cannot agree and make a decision, we are going to have to ask the people.” I do not want a referendum, because I do not believe in them, but we did have one. There is something about referendums, because people did vote in this one—they voted to leave. Of course the Tories keep telling me that, and they are right to say that. What happens if we have a referendum and the result is the same percentage voting to remain after that? Do the leavers march the streets, with banners, and say, “We want another one”?

Mr Skinner: We have a best of three.

Mr Campbell: Best of three—is that what happens?

Anna McMorrin (Cardiff North) (Lab): It is democracy—

Mr Campbell: We have had democracy, and democracy said that we were leaving. Yet again, it appears that democracy is only where we have two referendums, and that is just not on. We must take the result of the first referendum and stick by it.

Turning back to the treaty, which is not very good, we will be in the backstop for donkey’s years. Do we think the EU is going to let us out of the backstop? Of course it will not. As for the negotiators in Europe on the matters that have not been negotiated, I would not trust them as far as I could throw them. If we did accept this deal on Tuesday, they would just throw it all away and say, “There you are. We’ve got ‘em. Leave it the way it is.” That is the situation Parliament is in. [Interruption.] Of course I want a general election, but I know that turkeys do not like an early Christmas, so we are not going to have one. We have to get two thirds and we will never get two thirds out of that side—we will get it from these Benches; we will get a two-thirds vote, but they will not, and so we will never get it. As I say, these are interesting times. One Prime Minister said that a week in politics is a long time, but two days is now a long time.

3.41 pm

Sir Michael Fallon (Sevenoaks) (Con): We would not be having this debate today if Parliament had not asserted, earlier this year, its right to express its views clearly on the deal that has been brought back to us. It does not, however, follow from that that Parliament should have to take on the responsibility of designing or redesigning the deal. I do not believe Parliament should overreach itself in that respect. What Parliament can do is set the boundaries for a deal and express its view on the deal, and I hope we will be able to do that on Tuesday.

Equally, because of the amendment that I supported yesterday, tabled by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), it should be very clear what is not acceptable. In my view, no deal is not acceptable. It is my judgment that no deal would be highly irresponsible. Having no agreement on trade and security would be damaging to our business interests, and we must have a deal properly in place before we leave. So I do not support no deal. I also have to say to some of my hon. Friends that I am not convinced by the arguments for having another referendum. Of course referendums are divisive, but that is not the problem. The problem is that I do not see how a referendum could be decisive and could secure a sufficient consensus to put this issue to bed for a decent period of time.

If we are to respect the referendum that we did have, and if, as my neighbour, my hon. Friend the Member for East Surrey (Mr Gyimah), said in an excellent and powerful speech, we are to surrender our vote, our voice and our veto straightaway and immediately pay over this huge sum of £39 billion, we need a deal that is worth all the risks of not knowing how it is going to work out. We do not have that at the moment. Instead, we are confronted with a completely vacuous political declaration. In my view, we need something much better and much firmer if we are to take that decisive step at the end of March.

John Redwood rose—

Sir Michael Fallon: I hope my right hon. Friend will forgive me if I continue.

I would like to see the deal improved in four crucial and already well-known respects. First, on the backstop, a sovereign country cannot be placed in a position in which we are denied, in the end, a unilateral right of exit. That is all the more important because the protocol acknowledges that the backstop might remain under “alternative arrangements”, even in part. Others have already made the case as to why a backstop should remain, and I find that argument rather odd. We have been told this week that the European Union does not like the backstop any more than we do and that Ministers in other countries do not actually want the backstop to remain. If that is the case, why should they not agree that it is in everybody’s interests—theirs and ours—to set a date by which the backstop at least falls away? I am not encouraged by all this lawyerly talk of “good faith”, “best endeavours” and endless arbitration. If we are going to have a backstop, which I do not like, let us have a date and set the clock ticking.

Secondly, the absence in the political declaration of any commitment whatsoever to the frictionless trade that the Prime Minister promised us is not acceptable, unless we have some clearer idea of the extent to which some freedom of movement will be required and of the extent to which there will be areas beyond state aid and procurement where we will have to respect European Union competition policy. The Attorney General told us on Monday that this is one of the “outer boundaries” that will have to be considered, but he did not attempt to set those boundaries. We need to be much clearer about exactly what the European Union is likely to accept, in respect of both the skills cap that we are contemplating and the competition policy that we will have to accept.

Thirdly, on the extent to which we will be allowed an independent trade policy, the political declaration is at least clear on this point: our future economic relationship must “be consistent with the Union’s principles, in particular with respect to the integrity of the Single Market and the Customs Union”.

That does not leave us any clarity on whether we will be allowed to reduce much or even part of our common external tariff. Indeed, the Attorney General told us
that we cannot have an independent trade policy and belong to a conventional customs union. Again, that commits us to complying with one boundary set by the European Union without any clear understanding of where the other might be set.

Finally, there is Northern Ireland. If a different regulatory framework is to continue—there are currently some elements of difference—it is clear to me that, inside our own single market, that can be done only with the continuing consent of the Province itself, or in other words of the Executive and the Assembly. The agreement should have been explicit in that regard. There may well be further checks that would enhance the protection of the whole island, but they can be put in place only with the agreement of all communities in Northern Ireland.

Without those improvements, this so-called deal is a gamble: we put all our cards on the table and all our money, and we wait for another two years for the European Union to set the rules of the game. That is a risk too far.

3.48 pm

Tim Farron (Westmorland and Lonsdale) (LD): In this crisis, there are many temptations to find someone other than ourselves to blame, to say “I told you so”, to exploit the situation for personal ambition, or to cry betrayal. We need to resist those temptations. Indeed, we need to act in the national interest. We are on a short 100-day journey to no deal, but there are turnings that we could take off this dangerous road, which would otherwise lead us to doing a Thelma and Louise on 29 March.

I admire the Prime Minister for many things. She and I coped well together as we toured the working men’s clubs of North West Durham in 1992, on our way to being crushed by Baroness Hilary Armstrong. Then, as now, I was impressed by the Prime Minister’s fortitude in the face of certain defeat. The one thing that I do not really admire her for is her attempt to hoodwink the British people into thinking that the only choice that we have in this vote is between a bad deal and no deal. She knows that that is not true, and to keep repeating it is beneath her.

We have six options. None of them is great, but some are better than others. First, we can accept the PM’s deal, which kicks the can down the road and keeps us thinking and talking about Brexit for many years to come.

Wera Hobhouse: Does my hon. Friend not agree that no deal is absolutely off the table? It must be off the table.

Tim Farron: I totally agree with my hon. Friend. The damage that it would do to our economy would be utterly immense.

If the Prime Minister’s deal is passed, it kicks the can down the road for a number of years, and we carry on talking about Brexit into the foreseeable future. It traps the UK into EU rules, but with no say over what those rules are. It is the absolute opposite, then, of taking back control. Millions of those who voted leave would feel that they had been betrayed. Meanwhile, the Northern Ireland backstop seriously threatens the future of the Union, and every family and every business in this country will be hit by our exit from the single market. If Members think that we should honour the wishes of the British people, they cannot vote for this deal. If they think that we should protect the interests of the British people, they cannot vote for this deal.

Option two, which we have already covered, is that we leave with no deal. The upside of that is that we would—to use the vernacular—take back control. We would not be bound by EU rules or judgments, but the hit to our economy would mean that what sovereignty we would regain from the EU, we would lose immediately to the international financial markets, with all the impact that that would have on my constituents and the constituents of every other Member. There are already 2,200 children living below the poverty line in my community. I will not vote for any course of action that puts even one more child or one more family, let alone thousands more, in poverty. That is why I will vote against no deal.

A third option is that the Prime Minister has the courage of her convictions and puts the deal to the country in a referendum. Let us not kid ourselves: like most referendums, a referendum on the deal—a people’s vote—has the capacity to be divisive. However, I disagree with the right hon. Member for Sevenoaks (Sir Michael Fallon), as I believe that it would be decisive. Whichever option was chosen by the people would come into effect without further debate or delay.

Option four might be an early general election. There are 2,700 hours until Brexit. The country will not forgive us if we waste 1,000 of those hours on a self-indulgent general election. The same applies to option five, which is that the Prime Minister is sacked as the leader of her party. Again, that would be seen as the actions of the self-indulgent, the vain and the personally ambitious—the very antithesis of the national interest.

A sixth option is to withdraw article 50 and to renegotiate. As the right hon. Member for Putney (Justine Greening) said earlier, we leapt from the aircraft when we triggered article 50 without checking whether we had a parachute, and we are now within a few minutes of hitting the ground with a great big splat. There is now a miraculous option to get back in the plane. We could withdraw article 50 and allow the Prime Minister to renegotiate a better deal, which she certainly could do if she changed her red lines. She could, for instance, seek membership of the single market, which is not dissimilar to the arrangement that Norway enjoys. The Prime Minister’s decision to rule out the single market was an entirely arbitrary and self-imposed choice made not to reflect the will of the people, but to placate the European Research Group in her own party. It should now be crystal clear to her that those folks are unplaceable, so she should instead seek to find a consensus with people who might be a little more reasonable.

I am a reasonable man. I am no EU flag-waving federalist, no apologist for all that emanates from Brussels. I do not have “Ode to Joy” as my ringtone, I do not know a single word of Esperanto, and, in 2008, I resigned from the Front Bench over the Lisbon treaty, but I have never been more convinced that Britain’s future must lie in Europe and that to leave would be a tragic, tragic mistake. I do not have time to go into all the reasons, but given that the focus of today’s debate is security, let us remember that 11 of the countries in the European Union today were once behind the iron curtain. Six of those countries had nuclear weapons on their soil.
pointed right at this city. Just as the nations that fought two bloody wars in the 20th century sit together, so do those from either side of the cold war divide. If that was the only reason for staying in the European Union, that would do for me. How short must memory be to cast that away?

I spend a lot more time in Westmorland than I do in Westminster, so last night I listened to my constituents and did my sums to find out how people in my communities think we should vote in this debate. Here are the votes of the Westmorland jury: 3.5% want us to leave with no deal; 10% want us to leave with the Prime Minister’s deal; 17% want us to remain in the EU without a people’s vote; and 68% want a people’s vote.

After taking the time to listen to people’s motives, it is clear to me that many of those who want a people’s vote hold a similar view to me—that referendums are poisonous and dangerous. If we did not see another referendum for the rest of our lives, it would be far too soon. Nevertheless, we cannot let what began with democracy end with a Whitehall-Westminster-Brussels stitch-up. If the people voted for our departure, they must also have the right to vote for our destination, and to choose a better destination than the one that the Prime Minister presents to them, if they consider it not to be good enough.

This deal fails all its own internal tests. It would mean that we were run by European rules but without any ability to have a say over them, which would make us poorer, weaker and less safe. It would divide our Union, so it would make us less British. I love my country, so I will reject any deal that harms it. I reject no deal and this bad deal. There are better options; the Prime Minister should take them.

3.56 pm

Stephen Crabb (Preseli Pembrokeshire) (Con): I am grateful to be called in this important and serious debate, ahead of what I think most people expect to be the defeat of the proposed EU withdrawal agreement next Tuesday night.

Like so many of my colleagues, I am currently receiving hundreds of emails from constituents urging us to vote down this deal, for all kinds of different and contradictory reasons: to kill Brexit altogether; to get a second referendum; to get a softer Brexit through some kind of Norway-style deal; to get a harder Brexit or a real Brexit; to get a Canada-style deal or the WTO option; or to get rid of the Prime Minister and get somebody else in charge who genuinely believes in the Brexit project. There are so many different reasons to vote it down that we would cover all our bases by going through the No Lobby next Tuesday night. But the message I would like to give to the House, particularly to my colleagues, is that voting this deal down next Tuesday will resolve nothing at all. It might be the easiest thing to do. It might even be the smart, political thing to do. But it will not take us further forward and it will resolve nothing at all.

One of the consistent themes of the negotiating process over the last 18 months has been how the sheer complexity and, at times, difficulty of the Brexit negotiations have increasingly jarred against the perfect theory and almost beautiful and optimistic simplicity of some of the leave campaign slogans that we heard during the referendum campaign in 2016. There was a beautiful and optimistic simplicity about the message of taking back control by being out rather than in. Yet as we have seen during these negotiations the real world is much more complicated. One thing I have learned during the 14 months that I have been a member of the Exiting the European Union Committee is that there is nothing simple or straightforward about the business of withdrawing the UK from the EU after 40 years of membership.

The former New York governor Mario Cuomo used to like saying: “You campaign in poetry. You govern in prose.” That was not an acceptance of duplicity in politics, but a recognition that, when it comes to serious and responsible government, the outcomes are always less elegant and less attractive than some of the easy campaign slogans.

As the increasing realisation has set in that Brexit is a more challenging and difficult process than many would have liked to have believed at the start, so the blame game sets in. We hear people lashing out so easily against the Prime Minister, saying things like, “It’s all her fault. This is due to her personality. She’s not tough enough. She should have been stronger. She should have been a real believer and had real faith in Brexit.” And we hear accusations against Olly Robbins and the senior civil servants: “If only we had senior civil servants who weren’t part of the metropolitan elite and who shared the general views of the real British public, we would have a more perfect Brexit option on the table in front of us.”

The truth is that we have a less than perfect Brexit deal in front of us because that was always going to be the case. I say to my Conservative colleagues that the deal on the table is not the Prime Minister’s deal—it is our deal. It already has all of our names attached to it. That is because it has been shaped, fundamentally, not by the Prime Minister’s personality and not by Olly Robbins, but by decisions that we all took as a governing party. We all agreed to the timetable of the article 50 process with its hard deadline; we signed up to that. We all stood on a manifesto last year that included the contradictory red lines that perpetuated the complete fiction that we could have all the same benefits of membership of the single market and the customs union but none of the obligations that come from that. That manifesto embodied those red lines. We are responsible for the way that this deal has been shaped, so we will share in the responsibility for what happens next.

If this deal gets voted down next week, we know—it is already clear from the first day or so of debate that we have had—that no one is sure what happens next, other than a further period of political uncertainty and turmoil, and that cannot be in our nation’s interests.

I will wrap up by saying something about my own constituency, Preseli Pembrokeshire, which voted 55:45 to leave the European Union. On the night of the referendum result, I promised, even though I had been a remain campaigner, that I would respect the outcome of the referendum, and that I would campaign and work towards the outcome being implemented, but in a way that was responsible and that sought to protect key economic interests that affect the lives of the communities in my constituency. My constituency is one of the peripheral areas of the United Kingdom. We are closer to Ireland than we are to England. We have ferry ports
that connect to Ireland. We have oil refining, gas imports, farming and fishing—so many economic interests—and how we leave the EU really matters to the livelihoods of people in those sectors.

One particular sector that I want to draw attention to is oil refining. The Valero oil refinery in Pembroke is probably our largest employer—it employs 1,000 people directly and indirectly through contractors. Having sat down with the general manager of that plant a few weeks ago, I can say to the House that there are very serious and specific reasons why a no deal outcome would be very bad news indeed for that major employer in my constituency. No serious Member of Parliament for Preseli Pembrokeshire could vote for something that could lead to a no deal outcome and look their constituents in the eye again. In my time as MP, I have been through one refinery closure four years ago when the Murco refinery closed, and it was horrible. I have friends who lost their jobs; I have staff members whose family members who lost their jobs. I do not want to see that again.

How we leave the EU really matters. Yes, this is an imperfect deal; it could have been so much better if we had used our time much better as a Government and a party over the past two years. But I am going to vote for it because I believe in doing Brexit in a responsible way that protects the interests of my constituents and abides by the outcome of the referendum in 2016.

4.2 pm

Mr George Howarth (Knowsley) (Lab): It is a pleasure to follow the right hon. Member for Preseli Pembrokeshire (Stephen Crabb). I agree with him on at least one thing—there is nothing simple or straightforward about what we are confronted with here.

I want to spend the time available to me talking about Brexit and Knowsley. People might say, “Why Knowsley?” Why do I have to talk about Knowsley in connection with Brexit? The reason is that in the 2016 referendum the people of Knowsley voted in exactly the same way as the rest of the United Kingdom—52.48% to leave the European Union, so, in a way, it is a microcosm of the rest of the United Kingdom. Why did the people of Knowsley vote in the way they did? When I was out on the street campaigning to remain, three reasons came up continually. The first was immigration; I will say a little more about that in a moment. The second was sovereignty, or taking back control. The third was that they wanted us to control our own finances properly. I want to deal with each of those in turn.

First, on immigration, some of it—not all of it—was xenophobic in nature, with people addressing it as, “We don’t want to be that country. We don’t like multiculturalism” and that kind of thing. People also gave other reasons, one of which was a feeling that immigration was putting too much pressure on public services. In Knowsley, we have the lowest level of immigration in the country, and although we have pressures on public services, immigration has nothing to do with those pressures. But that was one of the reasons they gave.

Another reason people gave—my hon. Friend the Member for Bolsover (Mr Skinner), as so often, touched on it—was a feeling that those coming from eastern Europe in particular were undercutting wages in some of the industries that operate in my constituency. Whether that is right or wrong, that is what people felt at the time. As it happens, I think we need to have a more intelligent debate about immigration than we have had so far, so that people really understand the nature of it, but we have not had that debate, and we certainly had not had it at that point.

Secondly, I will not labour the point on sovereignty, because it has been made repeatedly by others, but the reality is that we are ceding more control than we are gaining, so the deal does not meet that requirement. Thirdly, on the issue of repatriating the money we spend in Europe and economic control, frankly, all the evidence is that it will go in the opposite direction. The reality is that everything the people in my constituency voted for when they voted to leave is not going to happen with this deal. This deal does not meet the requirements they set, and I think most Members are conscious of that.

Before I conclude, I want to talk about what I know of opinion in my constituency at the moment. Like every other Member of this House, I have had hundreds of people contact me in the last few weeks, and they fall into three distinct categories. The first is people who, like me, voted to remain, and they want us to have a second referendum, so that they can have a go at determining a different outcome. The second category is people who voted to leave, are still convinced of that and are willing for us to come out at any cost, with no deal at all. The third category, which is really interesting, is people—some of them remainers, some of them leavers—who are saying, “We’ve already had a referendum. We should get on with it.” The Prime Minister has been using that mantra over the last few weeks. The problem, given that the deal does not represent any of the things that those people voted for, is that getting on with it means getting on with something that virtually everyone in the House concedes is an unsatisfactory outcome.

I think we would all concede that those who contact MPs to tell them what they think are not necessarily typical of opinion in any given constituency. Nevertheless, that is one signal I have to go by. I got another signal when I went to speak on this issue at the All Saints sixth-form in Kirkby in my constituency six weeks ago. In the middle of it, for some reason, I decided to take a straw poll. Although Kirkby is a traditional white working-class area, the students overwhelmingly voted to remain. They wanted some means by which they could remain in the European Union, and that highlights the generational difficulty we have.

I also attended an event over the summer that I organised with the help of the local chamber of commerce, for local businesses that trade with Europe. From big companies like Jaguar Land Rover, down to a small company that deals in precious metal, they wanted a deal that assured their future trading relationship with the European Union. I do not think this deal provides that.

I am left with the view that this can only be sorted in one of two ways. The first is a general election. That does not seem likely to happen, but it is one way of doing it. The second option is another referendum. I believe that one or both of those, or even a combination of the two, is the only way forward, because there is no majority in the House for anything else.
4.10 pm

Mr Mark Harper (Forest of Dean) (Con): One of the things we are seeking to do as we leave the European Union is to make sure that we do not have a hard border between Northern Ireland and the Republic of Ireland. The way I think we should solve that—I think this is the Government’s position—is to have a free trade agreement. The problem I have is the backstop in the withdrawal agreement.

The Prime Minister was clear that a backstop that treated Northern Ireland differently and put a border in the Irish sea was unacceptable and not something any British Prime Minister could sign off. I am afraid to say that she has done exactly that. I was not 100% convinced of that, based on my own analysis of the withdrawal agreement. I am just a humble accountant, not an expert lawyer. This morning, however, I read the legal advice—the letter from the Attorney General to the Prime Minister about the legal effect of the protocol. Paragraph 7 is plain and clear:

“NI remains in the EU’s Customs Union, and will apply the whole of the EU’s customs acquis, and the Commission and the CJEU will continue to have jurisdiction”

over it, and:

“Goods passing from GB to NI will be subject to a declaration process.”

That means that, if a company in my constituency wins an order with a business in Northern Ireland—in our own country—it will have to have the deal signed off by a British bureaucrat, and if our rules in Great Britain have deviated from those in Northern Ireland, it may be told that it cannot ship that order to a part of our own country. I do not find that acceptable. I think the Prime Minister was right when she said that no UK Prime Minister should sign off such a deal. I still stick to that, which is why I will not be able to support the withdrawal agreement as it is currently set out. This is the first time in my 13 years in this House that I will not be able to support my party. I regret that. I also regret being put in a position where, in order to hold to the promises that we made in our general election manifesto to the people of our country last year, I am forced to vote against a position where, in order to hold to the promises that we made in our general election manifesto to the people of our country last year, I am forced to vote against.

Mr Harper: I completely agree with my hon. Friend. That is not a contract I would be willing to sign and I am afraid that is why I cannot sign up to this withdrawal agreement. It is also the case that the withdrawal agreement will hand over about £39 billion in an unconditional way. I think that most people who carry out negotiations generally do not hand over all the money until they have a deal. We should make the money conditional on both getting a good deal and getting a good deal on a timely basis. If we were to do that, we would get a good deal on a timely basis.

There may be before the House amendments to the motions and extra words may be added to the political declaration, but what we are being asked to vote on is a legally binding treaty—the withdrawal agreement. Unless that is changed, words added to the political declaration and any extra words on the motions before this House are legally meaningless. I do not think they are capable of persuading colleagues who are concerned about the withdrawal agreement that they have significantly changed the position.

Stephen Crabb: My right hon. Friend is making a clear and compelling speech. Given that it has been pretty clear for 12 months that the withdrawal agreement would include a Northern Irish backstop and that that would have some teeth to it, and that there was no way that the EU or the Irish Government were going to agree to a backstop with an end date because then it would not be a backstop, how does he propose that we overcome that problem? What does voting down the deal next Tuesday do to make a solution to the problem he sets out any more likely?

Mr Harper: First, there were two aspects to the joint report that was signed. We have delivered one of them in the withdrawal agreement. The other one was about ensuring that unfettered access to the United Kingdom market remained in place. That may well be true for Northern Ireland businesses, but it is not true for businesses in Great Britain. So we have not delivered, according to the Attorney General’s advice, on that joint report in this withdrawal agreement.

The Irish Government, the British Government and the EU have all said that they do not want to see a hard border or infrastructure—we are all committed to that and we are all supposed to be committed to reaching a deal on a future relationship—so I do not see any need to have the backstop in this deal. It is clear to me that, if the backstop remains in the deal, the Prime Minister will not be able to get it through the House. If the
Cabinet’s deal is defeated—this is the Cabinet’s agreement, not just the Prime Minister’s—the Prime Minister should go to the European Council at the end of next week and say that any deal with the backstop will not be passed by this House and that they should think again. I think they will reflect on the fact that, if the fifth largest economy in the world and a close defence and security partner is leaving the EU, they have a choice: do we leave with a good, positive relationship on which we can build in the months and years to come, or do we leave with a spirit of rancour and discord? That is something our European partners will have to reflect on. I hope that, if they reflect on that, they will reach a wise and sensible decision and we can reach a sensible agreement.

My final point is aimed more at my Conservative colleagues. Because of the importance of Northern Ireland, my colleagues need to reflect on the fact that, if the deal were voted through next week, it is my belief, having listened carefully to what they have said, that the relationship between our Democratic Unionist party allies and the Prime Minister would be fractured beyond repair and what we saw yesterday, when we were defeated three times in this House, will be a state of affairs repeated on a number of occasions day after day after day. I think we would be in office but unable to govern our country effectively. Colleagues need to think about that.

It is not too late for the Prime Minister to think again, to come before the House before the vote on Tuesday and to say that she is going to change the withdrawal agreement and deliver that message to our European partners. If she does that and the withdrawal agreement is changed, I for one will happily support the Government, and I believe that the majority of MPs in this House will do so. It will unify our party and bring our DUP allies back with us. If she does that, she will have my support. If she does not, I regret that, for the first time in my 13 years in Parliament, I will be unable to support the leader of my party and the Prime Minister of my country.

4.20 pm

Chuka Umunna (Streatham) (Lab): We are asked to approve the withdrawal agreement and the political declaration. I will vote against them because they are not in our national interest. I do not believe that they represent the will of this House or the will of our country, which is why we have to give this issue back to the people with the option to keep our current deal—a far superior arrangement. Some will say that that is unsurprising; I represent the area that scored the highest vote to leave, so my constituents have grievances, too. No one side of this debate has a monopoly on grievance. The only difference is that my constituents, we did not believe that leaving the European Union would do anything to help us or solve the problems that I just referred to, and nothing in the withdrawal agreement or the political declaration gives us any reason to think otherwise.

As for those who did vote to leave, what were they promised and have the withdrawal agreement and declaration delivered it? The right hon. Member for Forest of Dean (Mr Harper), who spoke before me, is absolutely right: it is important that these promises are kept. Vote Leave—I note that the Environment Secretary was the co-leader of that campaign—said that the Government would negotiate new trade deals that would immediately take effect on exit day. Where are those trade deals? I will give way to him if he wants to tell us where they are. We know that they are nowhere to be seen and that we will not see any of them in March 2019. [Interruption.] The right hon. Gentleman chuntered from a sedentary position. Not one trade deal will be in place in March 2019. I am happy to give way to him if he wants to disabuse the House of that fact, but he knows that it is not going to happen.

Vote Leave also promised that trade with the EU would not be harmed. The Prime Minister acknowledged in her Mansion House speech that we will have less market access and trade with our current partner. The Government’s own economic impact assessments are telling us that we will be poorer as a result. Then, of course, there was that ridiculous promise of the £350 million extra per week that we were told would go to the NHS—a straightforward lie, which I will not dignify with any further attention.

I want to address what is sometimes the elephant in the room: immigration. If one factor above all else was driving the vote, it was that and the issue of EU free movement. It was exploited in the most disgusting way. Remember Vote Leave’s claim that millions of Turkish people would be coming to our country, bringing criminality and threatening our security—it was an absolute disgrace and those involved in making those claims should hang their heads in shame.

There is, of course, concern about the levels of EU immigration. Let us be honest: views are stronger in respect of non-EU immigration, and there are parallels between the discontent in some leave-voting areas about EU immigration and the discontent regarding the immigration that we have had in this country from the 1950s. There was, after all, a form of free movement from the Commonwealth up until 1971; my father was part of that. I do not deny that immigration poses economic and cultural challenges in parts of our country, but if we implement the right policies, it need not do so.

I turn then to the underlying causes of concern about immigration: not enough well-paid and decent jobs; not enough decent, affordable housing; a shortage of school places; an NHS in crisis. These problems will not disappear or be mitigated if we exit, be it with this withdrawal agreement and declaration or in any other way. As the Government’s own Migration Advisory Committee has said, immigration has no or little impact on the overall employment conditions or outcomes of UK-born citizens; immigration is not a major determinant of the wages of
UK-born workers; immigrants make up a small fraction of those in social housing; and, above all, EU immigrants contribute so much more to the health service and the provision of social care and financial resources, and through work, than they consume in services.

It is absolutely clear, therefore, that ending free movement will not solve the problems facing the country. We have to treat our constituents—everyone in this country—like adults and be honest. I am fed up with hearing people say, “People expressed concerns about immigration.” Of course we should engage with that, but let us not lie and say that we agree that they are caused by all these EU immigrants that people refer to. Governments from both sides of the House have not delivered enough for people, and that is the problem, not immigration.

Where does that leave us? We have absolutely no idea because we do not know the proposed post-Brexit immigration arrangements or our future economic relationship with the EU; we just have this declaration of aspiration. This is the point. Beyond immigration and security, we do not know the final Brexit destination, and let us be honest about this too: the House cannot agree what that destination should be either. For all those reasons and more, I cannot see how we can resolve this issue if we do not refer it back to the people to determine. Let us have the people’s vote we need.

4.26 pm

John Redwood (Wokingham) (Con): Almost two and a half years have now passed since the people spoke in that big democratic referendum. The people voted in very large numbers to take back control of our laws, our money and our borders, and to reclaim the lost sovereignty of the United Kingdom electorate, and they did so in the teeth of enormous hostility and propaganda from many elements of the political and big business establishment.

The people were told they were too stupid to understand the arguments and that there were huge dangers if they dared to vote to leave the EU. They were told by both campaigns, and by the Government in a formal leaflet, that we would be leaving the single market and the customs union, because rightly we were told that the EU would not allow us to cherry-pick bits of the single market and customs union and that those were an integral part of the whole. They were given a set of entirely bogus and dishonest forecasts about what would happen in the short term after the vote, and practically every one of those forecasts was wildly too pessimistic, which has led to the distrust between the vote leave majority and the establishment that pushed out those forecasts.

I urge the House to move on from “Project Fear”, to move on from gloom and doom, and to understand that many millions of decent, honest voters made a careful and considered decision, and they do not believe those who tell them it will all go wrong, that it must be reversed or that they must be told to think again and vote again because they did not do their homework. It is deeply insulting to the electors, and I am sure that this Parliament is worthy of a much better performance than that.

The people were saying something wonderful for this Parliament. They were saying, “We believe in you, Parliament. We believe you can make wise laws. We believe you can make even wiser laws than the EU. We believe you can make better judgments about how to spend the taxes we send you than the EU, which spends so much of the money on our behalf in ways of which we do not approve. We believe, O Parliament, that if you help us to take back control of our laws and democracy, we will get better answers. Of, course, Parliament, if you do not give us a better answer, we the people will have our sovereignty back, and we will dismiss you.”

One of the things that most annoys people about the EU among the leave-voting majority is that we cannot sack them. Whatever they do, however bad they are, however much money they waste, however irritating their laws, we have to put up with them. We cannot sack them; we cannot have a general election. [Interruption.] Scottish National party Members say that they feel the same about the Union of the United Kingdom, but we gave them the democratic opportunity, and their people say that they like our system of government, because this is their democracy too. [Interruption.] The hon. and learned Member for Edinburgh South West (Joanna Cherry) should understand that her colleagues in Scotland, and her voters in Scotland, believe in UK democracy, and they have exactly the same rights of voice and vote and redress as all the rest of us.

Sir Desmond Swayne (New Forest West) (Con): I entirely agree with my right hon. Friend. Ever since the referendum, the narrative has been to find explanations for why the people voted as they did—any explanation other than the fact that they wanted to leave the European Union. Does he consider that the majority in favour of the amendment in the name of our right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) shows that the game is up, and that there is now a majority in the House against leaving the European Union? The game for us must be to find some orderly way around that, irrespective of the majority who are now against us.

John Redwood: I do not prejudge the evil intents of other Members. I hope that all Members will agree that we must implement the referendum result. We had a general election in the summer of last year, and I remember that in that general election Labour and the Conservatives got rather more than 80% of the vote in Great Britain, the Democratic Unionist party did extremely well in Northern Ireland, and all three parties said that they would faithfully implement the referendum decision of United Kingdom voters on leaving the European Union. I trust that they will want to operate in good faith in the votes that may be to come.

My advice to Ministers, as well as to the rest of the House, is that what we should now be doing is celebrating the opportunities and the advantages that we will gain after March, when we have left the European Union. We should be having debates about how we will spend all the extra money on improving our public services instead of giving it to the EU. We should be having a debate about all the tax cuts that we need to boost our economy, so that instead of growth slowing after we leave, we speed it up by deliberate acts of policy which
we would be empowered in this place to take if only Members would lift their gloom and their obstinate denial of opportunity, and see that if we spent some more money and had some tax cuts, it would provide a very welcome boost to our economy in its current situation.

I want to see us publish a schedule of tariffs for trading with the whole world that are lower than the tariffs that the EU currently makes us impose on perfectly good exporters, particularly of food products, from elsewhere in the world. Why do we have to impose high tariffs on food that we cannot grow for ourselves? I want us to have a debate on urgently taking back control of our fishing industry so that we can land perhaps twice as many fish in the UK and not let them all be landed somewhere else, and build a much bigger fish processing industry on the back of domestic landings from our very rich fishing grounds.

I wish to see us get rid of VAT on, for instance, green products and domestic fuel, which we are not allowed to do because we are an impotent puppet Parliament that does not even control its own tax system for as long as we remain in the European Union. I wish to see us take back control of our borders, so that we can have a migration policy that is right for our economic needs and fair to people from wherever they may come all around the world, rather than having an inbuilt European Union preference. I wish us to be a global leader for world trade. Now that the United States of America has a President who says that he rather likes tariffs, there is a role for a leading great power and economic force in the world like the United Kingdom to provide global leadership for free trade.

We will do none of that if we sign this miserable agreement with which the Government have presented us, because we will be locked into their customs arrangements for many months or years. We will not be free to negotiate those free trade deals, let alone provide the international leadership which I yearn for us to provide. I want us to have our seat back at the high tables of the world in the big institutions like the World Trade Organisation, so that with vote and voice and purpose, we can offer something positive, and have a more liberal free-trading democratic world than the one that we currently have. That is something that we are not allowed to do for as long as we remain members of the European Union.

I say this to Members. Lift the gloom. Stop “Project Fear”. Stop selling the electors short. Stop treating the electors as if they were unable to make an adult decision. Understand that they made a great decision—a decision I am mightily proud of—to take back sovereign control to the people, to take back the delegated sovereign control to this Parliament. It is high time that this Parliament rose to the challenge, instead of falling at every opportunity, and high time we did something positive for our constituents, instead of moaning and grumbling and spending every day—groundhog day—complaining about the vote of the British people.

Mr Virendra Sharma (Ealing, Southall) (Lab): Many hon. Members have spoken in this debate on one of the most important pieces of legislation that this House has considered, and I am grateful that we have as much time as we do to debate this nation’s next steps. I do not believe it is hyperbole to say that we are charged with setting this nation’s future.

I campaigned for our country to remain in the EU. I believe we are stronger when we work with our neighbours, not when we turn our backs on them. The majority of this House said that leaving the EU would be bad for business, strip protections from workers and leave us isolated in the world. We were not heeded. Many of us here counselled that article 50 should not have been triggered and that rushing to this momentous step was foolhardy. We were not heeded. We stood in this House and the Prime Minister paid lip service to the requests of hon. Members to negotiate to protect key sectors of the economy. We were not heeded.

The Prime Minister and her Government have carried on regardless, with the small clique running things the same way that they always have. In this country’s greatest leap into the unknown, she has chosen not to bring people together, not to create consensus, and not to work openly. But she has used every scintilla of strategy and guile she could muster to block this place from scrutinising her deal. Now it is too late; I am sure other Members will respond to that later on. Behind her sits loom the largest rebellion of this century, because she thought she alone could design the deal this country needs. Leadership may take self-belief, but it needs self-awareness, too.

The deal that we will vote on is not a deal for growth, it is not a deal for an outward-looking Britain, and it certainly is not a deal for the future. We abandon allies and friends in Europe, and we put into question our own security, and so I do not vote against this deal lightly. If we vote this deal down, the risk only rises of a no-deal Brexit—a no-deal Brexit that will destroy jobs and livelihoods, drive teachers, doctors and nurses out of the UK, and create another generation scarred by a self-inflicted recession.

This country was built on immigration. I myself came here more than 50 years ago, made a family and a life here, served as a local councillor for over 25 years, and have become a Member of Parliament. But the Prime Minister’s plan for Brexit will denude this nation of who it needs most, so I cannot in good faith vote for a deal that leaves my constituents, young and old, without a brighter looking future. Are my grandchildren and all their generation going to look back at this moment and at the Prime Minister’s deal, and remember it as the moment we snuffed out their hope?

The misjudgment, the mishandling and the sheer incompetence of our so-called pivot to the world is staggering. I cannot believe this is what anyone voted for on 23 June 2016. We owe it to everyone in this country, from Ealing Southall to Edinburgh and across the Irish sea, to end this madness. This House should vote down the Prime Minister’s deal, and the Government should take a stand for our country and withdraw our notice under article 50. They should show some leadership. If the Prime Minister cannot summon the courage even to hand the decision back to the people in a new referendum, then this is the appropriate time for her to stand aside and let others show some real leadership.
with our neighbours. No one doubts the commitment of the Prime Minister to try to deliver on the wishes of the 52%. The trouble is that no one really knows which version of Brexit she was mandated to deliver. There are so many possible alternatives, with everything from Norway, the European Economic Area, the European Free Trade Association and Norway, plus a customs union through to a Canada-style free trade agreement and Canada plus plus plus. There are so many options, but after two years of hard slog, we now know what this looks like. We know what the withdrawal agreement looks like, for example. It is a legally binding agreement with more than 500 pages, but worryingly, it has only 26 pages describing what will actually happen after the transition period. That is nothing more than a wish list of asks and it is very sketchy. We are heading for a blindfold Brexit.

I also fear that we are being forced into a binary false choice in which we accept either a bad deal or something even worse: no deal. Unfortunately, the Prime Minister has set down red lines all around herself for the various options. The one area in which she has not put down a red line is the worst deal of all, which is no deal. I am afraid that I do not agree with my right hon. Friend the Member for Wokingham (John Redwood) when he talks about “Project Fear”. I think that very shortly, possibly in as little as 114 days, we will be up against “Project Reality”. In the context of no deal, “Project Reality” would be very serious indeed for patients who “Project Reality”. In the context of no deal, “Project Reality” would be very serious indeed for patients who are talking about insecurity in the supply chain of vital medicines and medical supplies. We are talking about the rejection and to treat cancers.

We are also talking about products that cannot easily be switched from one brand to another in cases of shortage, such as medication for epilepsy. We are talking about difficulty in guaranteeing sufficient refrigeration capacity for stockpiling. Nobody voted in the referendum because they wanted to see the stockpiling of medicines and the extra costs involved, or the difficulties that the NHS and our care services will face in providing the workforce that we need. The truth is that there is no version of Brexit that would be positive for our NHS, for our care services, for science and research or for public health, and we need to be honest with people about that.

We also need to be honest and have a reality check about what is happening in this place. It seems to me that even the dogs in the street know that the Prime Minister’s deal is not going to pass this House next week. That is the truth of it. We should now be thinking about plan B, and we need to be honest about that. To my mind, plan B must not involve no deal. No responsible Government could inflict no deal on the United Kingdom in 114 days’ time. We are absolutely not prepared for that. So what is the alternative? There is no majority in this House for any of the other options, so the alternative is to look at going back to the British people and saying to them, “This is what Brexit looks like. This is the best that could be negotiated. Is this the Brexit you voted for, or do you want to stick with the deal that we have?” I would say that there was no consent to being dragged into Brexit without asking the people.

Before coming to this place, I was privileged to work in the health service for 24 years, and to teach junior doctors and medical students. In medicine, there is the really important principle of informed consent. We should apply it to Brexit, because Brexit is major constitutional, economic and social surgery. To give informed consent, one has to know what the operation involves. Two years ago, there were many possible versions of that operation, but now that we know what the surgery involves, it is time for proper discussion about the risks and benefits, and to allow people to weigh them up for themselves.

James Heappey: My hon. Friend knows that I respect her enormously. I agree that being very candid with the electorate is the right thing to do right now. Should we also be candid with them about the mechanism for delivering a second referendum—about the fact that it would require an Act of Parliament; about the European Union (Withdrawal) Bill taking 348 days to get through the Houses of Parliament; and about there being absolutely no expectation that a Bill as controversial as a second referendum Bill would be able to progress through this place any quicker?

Dr Wollaston: I ask my hon. Friend to have a look at the work of the Constitution Unit and others, who estimate that we could get a referendum Bill through the House in 22 weeks. We would first need to extend article 50. That is what I hope that the Prime Minister does. I hope that she looks at the reality of the situation, extends article 50, and asks the British people, “Is this the Brexit you voted for, or do you want to stay with the deal we have?”—the one that has served us well for decades. That question has to go back to the British people.

None of us in this House should be forced into a false choice—into choosing a bad deal because we are told that the only alternative is no deal. That is simply not the case, and I believe that the House will reject the deal. That is why I support the amendment in the name of the right hon. Member for Leeds Central (Hilary Benn) rejecting no deal, and urge colleagues to do the same. The House should ask to extend article 50, so that we have the time to consider where we go from here. Otherwise, in 114 days, we run out of road and fall off a cliff. What is needed now—this message is for the Opposition Front Benchers as well as ours—is a BFO: a blinding flash of the obvious. We need to think again. Delivering on a people’s vote will require the Opposition Front Benchers not to cling to the idea that they will force a general election; we know that will not happen, either.

We do not have any time to waste. We need Members on both Front Benches to give a free vote, or deliver support for a people’s vote. That is the way forward. This House would decide the exact question. I believe that the choice should be between this deal and remain; I know others feel that the question should be more complex. We do not have to decide that now—it is something that the House could decide later—but we must not run out of road; we must extend article 50.
4.48 pm

Marion Fellows (Motherwell and Wishaw) (SNP): It is a real pleasure to follow the hon. Member for Totnes (Dr Wollasten). I will vote against the withdrawal agreement, because I want to help and support my constituents in Motherwell and Wishaw, and because I believe the UN rapporteur and the Joseph Rowntree Foundation when they talk about increasing poverty. I have seen it in my constituency. I spent last Saturday helping a wonderful woman, Martine Nolan, with her great toy giveaway to children in my constituency and constituencies close by who will not have a Christmas because of the poverty that they are suffering. Those children's parents are in work. In this country, being in work no longer means that someone earns enough to support their family adequately. I will not listen again to those Front Benchers who tell me that the only way out of poverty is work, when people in my constituency work in a gig economy, earn very little money and have no job security.

Within weeks of setting up my office in Motherwell, the people in my office helped me to establish the Poverty Action Network. I pay tribute to the members of that network, which include people from North Lanarkshire Council, organisations across Motherwell and Wishaw, and organisations right across North Lanarkshire. They want the best for people. I want the best for people, and this deal most certainly is not that.

As I said in my maiden speech, my constituency has always welcomed immigrants, starting with Lithuanians after the first world war. We have had Congolese refugees and Syrian refugees, and huge numbers of Polish people have contributed enormously to the culture, health and wealth of my constituency. I do not want to see barriers go up to prevent that.

At the moment, EU nationals are choosing not to come to Motherwell and Wishaw. For example, last month’s Nursing and Midwifery Council figures showed that EEA applications for registration in this country were down 87% last year, and they are still dropping. The people who look after our most vulnerable mostly come from EU countries.

When my husband was dying, I was relieved that he would not need more radiotherapy, because I was so worried about what might happen if he had needed it and there were queues at Dover, we were no longer in Euratom and he could not get the vital services he needed. He was lucky that he did not have to wait, and he is out of that kind of pain now.

Turning to businesses in my constituency, small businesses rely on there being higher numbers of EU nationals in Scotland. That is especially true in the highlands and islands, but even the factory in my constituency that makes kilts for the UK Army employs EU nationals. It needs those people and the support they provide.

The UK chair of the Federation of Small Businesses said that if small businesses are "lumbered with complex paperwork to bring in EU staff post-Brexit that will cause significant drag on the billions they contribute to the economy each year."

We cannot have that; it does not help our businesses. How will the economy grow when we do not have the right people in the right jobs because of paperwork?

The fact that Northern Ireland has secured a separate Brexit deal—and for very good reason—will affect competition between Scotland and Northern Ireland. Unfortunately, companies will start to move. It is just a short hop across the water from Stranraer—or, rather, below Stranraer—to Belfast.

Paul Girvan (South Antrim) (DUP): Cairnryan.

Marion Fellows: Cairnryan—I thank the hon. Gentleman. It is only a short hop. That will affect Scotland’s business community in a way that has not even been thought about.

I do not want people in my surgeries, whether they are EU nationals or others, to feel that they are not welcome in my country. I do not want immigrants to be treated differently from how they are treated now. I do not want them to have to pay any more. Thank goodness the Scottish Government are going to pay for the paperwork that may be necessary.

Workers in my constituency will suffer a loss in rights if this Government have anything to do with it. The Government have shown that they would prefer businesses to have rights than the workers who create their profits.

My constituents voted yes in the first independence referendum and remain in the 2016 referendum. I want them to continue to be members of the single market and the customs union, and I want to continue to welcome immigrants to Scotland. As my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) said, Scotland has seen how the United Kingdom Government treat its Parliament, its people and its industries.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): With contempt.

Marion Fellows: With complete contempt. This Scotland will not put up with that much longer. In view of that, I have no faith in this Government. I do not want Scotland to remain part of the UK, and I am confident that my constituents will vote yes in the next independence referendum.

4.55 pm

Mr Philip Dunne (Ludlow) (Con): It is a pleasure to follow the hon. Member for Motherwell and Wishaw (Marion Fellows). I rise to speak in a debate in the Chamber for the first time for some months, but this takes me back to my maiden speech during a debate on the European Union back in 2005, because the topic has continued to be discussed in the House every year since.

Those looking at this debate from outside—I am sure that other Members are getting the same evidence that I am receiving in my postbag and via email—are encouraging the House to settle the issue and to get on with it. Since the referendum, and while the Prime Minister has been seeking to negotiate a deal, we have been living with a degree of uncertainty that we cannot, in all conscience, allow the country to continue to endure for years to come. Many of the alternative options to the deal that is on the table that have been referenced by other Members in this debate today and yesterday all require actions to be taken by parties other than the people in this House. In almost every case, they require either a continuing negotiation with the EU on matters that it has already indicated it does not intend to engage with us on, or...
they require both Houses of Parliament to enact further legislation, as we just heard in response to the question to my hon. Friend the Member for Totnes (Dr Wollaston) regarding a second referendum. Each option would involve months, if not years, of continuing uncertainty with no certainty whatsoever about the outcome, so I hope that hon. Members will take that into account when voting next week.

I want to talk about a couple of specific aspects of the deal that is on the table to try to explain why I intend to support the Government. I am looking for a pragmatic Brexit. I am looking for a negotiated deal that allows for as frictionless trade to continue as is possible, and not because that would be in the best interests simply of big business. I find it extraordinary that colleagues across the House refer to “Project Fear” or scaremongering when any business raises its head and says, “This is going to be damaging for my business. This is going to lead to job losses in my sector.” I sit on the Environmental Audit Committee, which heard yesterday from the chemicals industry, and the reality is that many Members have heard evidence given to multiple Select Committees that the complexities of seeking to continue to trade in a no-deal environment are such that many businesses in the chemicals sector, the pharmaceutical industry, the automotive industry and the financial services industry—many of the sectors that we rely on for the large majority of jobs in this country—would come under significant pressure in the event that we crash out with no deal. That would happen whatever colleagues might think.

I am thinking in particular of the largest employers in my constituency that I know best. My constituency is in the west midlands, so many are heavily involved in the automotive and manufacturing sectors. Grainger & Worrall is the largest employer in Bridgnorth alongside Bridgnorth Aluminium. The McConnel agricultural machinery business is the largest employer in Ludlow. Britpart, which is a motor manufacturer, is the largest employer in Craven Arms. There are companies engaged in food production and agri-products, such as Euro Quality Lambs in Craven Arms. All those companies are worried about what would happen to their business in the event of no deal and all are pressing us to negotiate a deal to allow frictionless trade.

In my time as a Minister, I was involved in two sectors in particular: defence and health. Some material has been put out regarding the impact of this deal on our defence relationships, and from the protocol I have seen for the future framework on security, there is nothing to be concerned about in relation to the Government’s intent on defence.

There is an opportunity for us to continue to have an associate relationship with, for example, the European Defence Agency, which has been characterised as a very damaging thing. We have been contributing the princely sum of £2 million a year to the European Defence Agency for the last 10 years, and we choose to take up very few opportunities to engage with its procurement arrangements because we think we can do it better on our own or through bilateral relations with many other countries across Europe. That is a canard, or a boil that needs to be lanced.

Similarly, we are not going to be engaged in a European army. In this country we rightly regard NATO as the foundation of our defence. If the European Union wishes to go ahead with a European army, we will have no part of it. On many occasions when operations take place around the world—some of those operations are EU initiatives—we choose whether we wish to participate. We should continue to be able to do that, but it will be our choice whether we participate.

On procurement, it has been suggested that we will lose the current exemption from article 346 and will therefore be bound by EU procurement arrangements for warlike stores. That is specifically ruled out by annex 2 of the protocol on the transition period, and it will undoubtedly be negotiated out of the eventual agreement.

On health, I am reassured that, in his opening remarks, my right hon. Friend the Home Secretary said that he intends to provide the unilateral right of residency to EU citizens and their families for the future, and I look forward to seeing that in the migration policy. That should provide considerable reassurance to the EU citizens who work in our health service and in our social care sector that they will continue to be welcome here, which I know concerns my hon. Friend the Member for Totnes (Dr Wollaston), the Chair of the Health and Social Care Committee.

I am concerned about having continuing access to medicines, which can only be achieved in a straightforward way through a negotiated deal. That is another reason why I will support the deal next week.

5.2 pm

Sammy Wilson (East Antrim) (DUP): It is an honour to follow the hon. Member for Ludlow (Mr Dunne), although I do not agree with his analysis of this agreement, nor will I be voting in the same manner as him next Tuesday. He talks about the importance of supporting this deal because we have to get on with delivering on the view of the people of the United Kingdom to leave the EU, but this deal does not do that. It does not deliver on the referendum result, nor does it deliver on the promises and the manifestos on which his party, my party and the Labour party stood at the last election, when people gave a second endorsement to the belief that we are better off out of the EU. This deal, because of its concentration on a mythical problem that will exist between Northern Ireland and the Irish Republic when we leave the EU, has tied the United Kingdom into a range of measures that will damage the economy and damage the Union.

Paul Girvan: I have just attended an event with a hand-picked group of businesses and organisations that the Secretary of State requested, and they told me to support this deal. Why are they so wrong?

Sammy Wilson: I will go through the reasons why they are wrong. This deal emphasises a mythical problem on the border—a problem that does not exist. The current practice means that trade can go across the Irish border, with taxes being collected, with goods being checked for conformity with regulations and with animal health being protected, yet we do not need a hard border. Indeed, all the parties to this agreement have said that they will not, in any circumstances, have a hard border. Only a couple of weeks ago, the EU and
the Irish Government were assuring us that even if there is no deal, a hard border will not be imposed, because a hard border is not necessary. What we have in this withdrawal agreement, with the Northern Ireland protocol and the UK protocol, is designed to do only one thing: thwart the wishes of the people of the United Kingdom to leave the EU.

That is because we have only a number of options. The UK as a whole could stay in the single market and the customs union. If the Government wish to free themselves from that, Northern Ireland has to stay within the single market and the customs union. I defy any Member of this House to say that they could go back to their constituents, tell them what the Attorney General told the Cabinet was going to happen to their constituents and find that they would not be chased. First, their constituency would have to regard the rest of the UK as a third country, with the implication that they could not trade freely with the rest of the UK. They would have barriers placed between their part of the UK and the rest of it, and businessmen would face all the impediments. Indeed, the legal opinion makes it clear that there would be friction in trade—indeed, it would be additional costs, delays and barriers, and there would be distortions to trade, yet that is what this agreement entails for Northern Ireland.

We can get out of that only by doing one of two things. First, we could reach a future trade arrangement that the EU says is sufficient to allow us to be out of that arrangement completely. It could even insist that if we reach a free trade arrangement, we still have partly to stay within those restrictions, including more than 300 EU regulations which would be applied to Northern Ireland. Just in case the EU has missed any, it says, “Any future new ones that fall within the scope of this would also have to apply”, so we would have different laws from the rest of the UK.

James Heappey: The Northern Ireland national farmers union has made it clear that the Prime Minister’s deal is in the best interests of farmers in Northern Ireland—why is it wrong?

Sammy Wilson: This is a surprising thing. If the Ulster Farmers Union read this agreement, it would see that article 12 of the Northern Ireland protocol makes it clear that because state aid rules would apply to Northern Ireland, even if this UK Government decided to subsidise agriculture, the EU could cap any subsidy. The subsidy could apply differently in the rest of the UK from how it could apply in Northern Ireland. I could take Members through a range of other things in this agreement that the UFU conveniently has just dismissed but that will have an impact on its members. That is one reason why many farmers in my constituency are raging with the UFU.

One way of getting ourselves out of this is by having a free trade arrangement, which the EU may or may not deem as allowing us to get away from these shackles. The Attorney General makes it clear that although best endeavours to reach a free trade agreement are required, the EU could still argue, “We have done our best but it is still not in our interests.” Sixteen years later it could still be arguing, “We are doing our best” and still not be in breach of the obligations in this agreement. We know—Scottish Members should be aware of this—that the French Government have already said that they will use this as a cudgel to get further concessions from the UK Government on fishing, aviation and other things. Every other EU country will be doing the same and using the same tactic, so that is not an easy way out and we could still be negotiating this.

Significantly, the other method of getting out is for us to extend the transition period. There is great ambition shown in the withdrawal agreement about extending the transition period. Many people think that when we talk about extending the transition period we are talking about a few months. Well, according to the document it could be extended to “20XX”—we could still be at this in 100 years. This place could be refurbished, or even rebuilt, by the time we have got a free trade arrangement to replace the backstop.

The impact of this agreement on the constitutional integrity of the United Kingdom is that Northern Ireland would be treated differently from other parts of the United Kingdom, which is something the Prime Minister promised would never happen. Northern Ireland industries are more export-oriented than any other region of the UK, because we have a small local market. We produce a third of the world’s aircraft seats. If someone has sat in row C or F, they have probably sat in a seat made in Kilkeel. We produce 40% of the world’s stone-crushing equipment. All that goes to markets mostly outside the EU, yet we would be excluded from participating in any trade deals that our Government might arrange with the rest of the world because we would be permanently part of the customs union unless the backstop were lifted. The backstop can be lifted only if and when the EU decides it is time to lift it.

I say to those on the Government Front Bench that we had an arrangement to keep the Government in power and working between now and the end of this fixed-term Parliament. Promises were made. In December, we sat with the Prime Minister in Downing Street and she said, “I will make sure that Northern Ireland has the final say in this because the Assembly will be the final arbiter as to whether or not these arrangements are put in place.” Those promises were taken out of the agreement. There has been bad faith. The agreement and understanding that we had has been broken. As the right hon. Member for Forest of Dean (Mr Harper) said in his speech, that has caused tensions. Going down this road will create tensions. We want to see our agreement honoured because we want to see the United Kingdom preserved.

5.12 pm

Mr Nigel Evans (Ribble Valley) (Con): It is great to follow my right hon. Friend the Member for East Antrim (Sammy Wilson) and his siren warnings about what could happen over the coming weeks and months if we do not listen. I understand that people are talking to the DUP; it is about time that people started listening to the DUP. There is a huge difference.

I am not one of the MPs who has stood up and waxed lyrical on this issue over the past two years, as some Members in this Chamber have done. Barely a debate has gone by without certain Members sharing what they believe is right. I have heard a lot of talk today about honesty, transparency and treating people like adults. That is a good idea, because in 2016 we had a people’s vote. For anybody even to suggest that another
they were not. They were not racist. Immigration was had intimations that perhaps they were racist. Well, no, we did not know what they were voting for. We have also known that they were not racist. Immigration was only part of it. It was all about the sovereignty of making decisions in this Parliament, with immigration being part of that.

**Catherine West:** Does the hon. Gentleman agree that, following the Welsh devolution debate, there was no requirement for a public inquiry into the funding of the various campaigns? A number of years have elapsed since that vote. There was not, at that time, the technological advances and the questionable use of Facebook and other social media, so it is not really comparing apples with apples.

**Mr Nigel Evans:** Well, it is apples and apples. It is simply because there are people here who are now using any excuse to try to ignore the result—to try to turn it over because they did not like the campaign. They think that people lied on one side or the other. In fact, those accusations were levelled at both campaigns. We should not forget that, on top of that, the Government spent £9.3 million on a brochure that they sent to every household in this country, using taxpayers’ money. It was propaganda to try to convince them to vote remain. I objected to the pamphlet at the beginning. On the back of it, David Cameron put one paragraph that said, “We will accept the verdict of the British people.” I urge Members in this Chamber to be careful about what they wish for. The electorate will be incredibly angry if we try to ignore the result. In Lancashire, whether in Labour seats or Conservative seats, every constituency voted to leave the European Union, and we want our voices to be heard.

Let me move on to the problem that we have with the Attorney General’s advice. I have specific problems with the backstop. The more that I read this advice the more I dislike it. I did not like it before, but now I like it even less. I love the mentions of “good faith” and “best endeavours”. The last time I heard “best endeavours”, I was a boy cub. Really, is that the best we can try for? I did hear the Prime Minister say that we will not have any borders down the Irish sea when, explicitly, that is what will now happen. I am very, very unhappy with that, although I listened to the Prime Minister at Question Time today and I got some sort of hope from her response to a question about what would happen on Tuesday if the deal was voted down. Now, we all know that I have more chance of winning “The Great British Bake Off” than the Prime Minister has of getting this through—[**Interruption.** “Strictly”? No—I cannot cook and I cannot dance. That does not stop the Prime Minister—[**Hon Members:** “Ooh!”]—but it would certainly stop me. That was a joke. [**Interruption.**] My career stopped a long time ago, I can assure hon. Members.

The Prime Minister did say that she was going to look at the backstop, which is clearly a problem that needs to be looked at for a number of reasons. We need to be able unilaterally to leave the European Union, because that is what the vote said in 2016. At the moment, we can do so. If we were to sign the withdrawal agreement, funnily enough we would be handing over that power. All of a sudden we would be unable unilaterally to leave the European Union, and that is not what the people voted for. They voted to take back control, not to give it away. This is a real issue.

The agreement is dripping with problems, as has been intimated by our friends from the DUP. If a miracle happens on 34th Street and we get this deal through, it
will be the last thing we get through for a long while because we have lost the support of the people who are keeping us in power. Let us think long and hard about that. Right at the end of the legal advice, the conclusion states:

“In the absence of a right of termination, there is a legal risk that the United Kingdom might become subject to protracted and repeating rounds of negotiations.”

Think about that. Not only are we treating Northern Ireland differently; we simply do not know how long the backstop is going to last. Is that where we want to be? Is that what the British people voted for in 2016? I do not think so.

I have heard a rumour that the Prime Minister is thinking about a change, by saying that Parliament should be able to vote on putting us into the backstop, and giving Parliament that power. I do not want that power. Getting into the backstop is not the problem; it is getting out that is the problem. That is where this Parliament needs to be able to make a decision—the decision to say, “Thank you. We’re leaving.”

Harold Wilson said that politics is the art of the possible—[Interruption]. And Rab Butler as well. Well, he probably paraphrased him. All I can say is: over to you, Prime Minister. Let us see where the art of the possible takes us on Tuesday but, for goodness’ sake, don’t take this to defeat.

5.21 pm

Paul Farrelly (Newcastle-under-Lyme) (Lab): At the outset, I really want to congratulate the hon. Member for East Surrey (Mr Gyimah) on a very powerful speech that was rooted in reality, and the right hon. and learned Member for Beaconsfield (Mr Grieve) on the successful passage of his amendment yesterday. He has been truly outstanding through all these Brexit debates.

For very good reason, I want to use this occasion to say a fond farewell to my German teacher, Keith Walker, from my old school of Wolstanton in Newcastle-under-Lyme. Keith passed away a fortnight ago and his funeral is on Friday. Mr Walker, as we called him back then, was instrumental in helping to form my views on Britain’s right and proper place at the heart of Europe. His wonderful teaching made sure that I got a place to study German at Oxford, and it was because of Keith that I first took part in—and then for six years helped to organise—international youth exchanges in Berlin with the German War Graves Commission, when the wall was the starkest reminder of the outcome of the second world war and of the cold war that followed.

In the trading of facts and fictions during the disastrous 2016 referendum, the historical perspective very much got completely lost. Yes, the European Union could be frustrating. It was not perfect, like everything, but from its origins after the war as the European Coal and Steel Community through to the Common Market, it has been very much part of the architecture of peace, trade, dialogue and prosperity in our times. Could we ever imagine that the states of the former Yugoslavia would have engaged in such shameful blood-letting had they been part of the European Community, to which we have belonged for 45 years and membership of which was confirmed by 67% of our people at the first referendum in 1975?

Now fast-forward to the debacle of 2016. My constituency and home town of Newcastle-under-Lyme voted around 60:40 to leave, and it is hardly a secret that I profoundly disagree with that verdict. Aside from matters of economy and trade, history shows that when Britain has been disengaged from European affairs, it has harmed not only our national interests but the national interests of countries on the continent as well. We have had, and still have, very much to offer.

When the subject of Brexit came up on the doorstep last year, I polity—I hope—disagreed with people of a leave persuasion, and then we moved on to discussing the state of our local hospital and the potholes in the road. For all the heat that we feel at Westminster, most people were simply not obsessed about Europe. The great, reasonable majority want us to get this right in the national interest—and, for all the reasons that most Members have outlined today, the Prime Minister’s deal does not serve that national interest.

In Newcastle, we campaigned as passionately in the referendum as at any general election. At the start, it was possible to have a fairly reasonable debate. Quite a number of people I had known for many years, and would have sworn were leavers, said that their heart was with “out”, but their head said “stay in” for jobs, investment, kids and opportunities for the future. So it was possible to have a decent discussion—until about a fortnight before voting day, that is. Then, at the entrance to my town, like many others up and down the land, the big red banner posters went up saying, “Turkey, population 76 million, is joining the EU—vote leave”. Photographs of queues of refugees were mingled, to great effect, with an old-fashioned blue British passport. It was of course an outright lie, but it was impossible to get that through to people, because their immediate response, time and again, was “What are you going to do about the Turks?”

What I did not know at the time was that that message was not only being shouted out from old-fashioned billboards but was reverberating exaggeratedly around social media in targeted dark ads that remainers like me would never see. That has only become clear since our Digital, Culture, Media and Sport Committee inquiry into fake news, involving Facebook in particular. Of course, that inquiry has followed up on breaches of the law and spending limits by both main leave campaigns.

But two years on, I do not want to cry over spilt milk. I think that the past two years have shown that people are now much better informed about the consequences of exactly how we leave—if indeed we do. If the Prime Minister loses next week’s vote, we are in interesting territory, to say the least, but one thing must be certain: no matter how much she tries to cling on in the hope of making amends for her disastrous election performance last year, the Prime Minister really has to go, like her predecessor did after the referendum result. Then the question for us will be whether the House can form a majority to chart the way forward, or whether this can only be settled by a general election or a referendum.

I view the prospect of another people’s vote with more than trepidation. I do not know how it is going to be possible to have a reasonable debate when the poll will be framed by shrieks of betrayal from most of our printed press, reinforced by deep pockets using and abusing the echo chamber of social media. But if that is the only road ahead, we should not shirk from holding that vote. Come an election or a referendum, I will be
making the same arguments again. I firmly believe that it is in Britain’s national interest to remain within the European Union with a seat at the table, a vote and sometimes a veto—to reform, where needed, from within, not just to shout from the sidelines without, or, under this deal, to go cap in hand begging for favours in future.

5.27 pm  

John Stevenson (Carlisle) (Con): It is a pleasure to follow the hon. Member for Newcastle-under-Lyme (Paul Farrelly).

In many respects, this is the classic issue for MPs—what are their priorities? Are they based on their personal view, their constituency’s view, or the view of the party that they should perhaps be following? Then, ultimately, how do they make their decision in the national interest? Generally speaking, that issue does not really crop up, but we live in unusual circumstances. We have to acknowledge that parties are fundamentally split. MPs’ views can be very much at variance with those in their own constituency. The dilemma for each and every one of us is what we, as individual MPs, believe is in the national interest.

When I look back over the past two and a half years—I appreciate that hindsight is a wonderful thing—I see some key mistakes that have been made. There were the red lines that the Prime Minister set out. In many respects, when you go into a negotiation, you do not lay down what your views are before you enter into it. Then there was the early calling of the election when we actually had a working majority, and of course the triggering of article 50. Looking back, we should have prepared all the legislative requirements and Bills to get them passed before we even thought about triggering article 50. Indeed, we should also have had a national debate about exactly what our long-term relationship with the EU should be.

But at the end of the day, we are where we are, and the Government are suggesting that there are now three alternatives: no deal, remain/second referendum, or their own proposal. I fully accept that we voted in 2016 to leave EU institutions, and we definitely have to respect that, but the nature of our future relationship still has to be decided, and that is a decision for Parliament. Of the three options that the Government have effectively set out, I do not support a second referendum. It would be unnecessary and divisive, and I wonder what it would achieve. I cannot see how remaining in the EU would be sensible, because it would undoubtedly be a changed relationship with our EU partners. As for no deal, I find that equally unpalatable. It is not in our country’s interests. I think it would lead to a recession and make us a poorer country. It is not in the interests of our national economy and certainly not in the interests of my constituents.

The Government therefore have to argue that the only real option is to support their position—that is, the withdrawal agreement and the political declaration. I, like many others, have concerns about the withdrawal agreement. I do not feel a need to go into those, because they have been well expressed by other Members. I also have concerns about the political declaration, many of which have been raised. We would have two years of negotiations before we even got a deal, if we did in fact get one. I question whether the unity of the EU would hold, because its members would have competing national interests. I wonder where we would end up with those negotiations. We have to await the decision of Parliament next Tuesday to know whether that is the course we will take.

I believe there is an alternative—a fourth option—that is acceptable to the EU and fully understood by all, and that is EFTA-EEA. Simply put, that would allow us to have an independent agricultural policy and an independent fisheries policy. We would not be part of the ECJ; the EFTA court would determine decisions. There would be no payments to the EU, and we would be a member of the single market. I have never quite understood why people are so hostile to membership of the single market. We are proposing to enter into a free trade agreement. What is a free trade agreement? It is an attempt to get rid of tariffs and regulatory differences between economies. I genuinely believe that staying in the single market is in this country’s interests. I accept that there is the issue of free movement, but we have the emergency brake under article 112 of the EEA agreement, and the reality is that more immigration comes from outwith the EU than within it, and we have absolute control over that.

I think that proposal would have widespread support from Members on both sides of the House. It would ensure that we were actually out of the EU—out of the political project and out of any sort of union—but back to the common market ideals of old, which the people of this country have always supported.

I remind the House that relationships change. The EU will change with our departure and will continue to change in other ways that we have not thought of. EFTA would also develop. The arrival of a large economy would change its dynamics, and it would become a much more significant player. The relationship between the EU and EFTA would change because of the arrival of a large economy, and EFTA’s importance would increase significantly.

I make those comments on EFTA to remind the House that there is a potential alternative should the Government lose the vote next week, and it is one that I would certainly support. On Tuesday, we will have to weigh up what we as individual MPs believe is in the national interest. I certainly believe that no deal and remain are not sensible alternatives. Whether the political declaration offers us a route to a sensible future relationship with the EU is a judgment that we will all have to make on Tuesday, but should the Government’s proposal be defeated, I believe there is a genuine and real alternative.

5.33 pm  

Mr Ivan Lewis (Bury South) (Ind): I agree with the hon. Member for Carlisle (John Stevenson) on membership of EFTA and the EEA, and I will come on to that later in my speech.

It has fallen to this generation of politicians to make one of the most profound decisions outside of war that this country has ever had to make. The referendum result exposed a deeply divided country, with many voters wanting to send a strong message to elites, whether political or business, that government and the economy, whether national or European, are not delivering for them, with wage stagnation and rapid migration fuelling alienation and resentment.
The Prime Minister is fond of talking about the national interest, but the whole Brexit shambles is a consequence of the eternal European fault line in the Conservative party. This shambles of a negotiation, which has left our country a laughing stock, has been caused by red lines that may as well have been written in invisible ink and by the dogma of some hard Brexiteers who prefer a scorched earth Brexit. They can afford years of poor growth, unlike my constituents, whose jobs and living standards are on the line.

The problem with our negotiating position from the beginning has been that the starting point was not the national interest but an ill-fated attempt to reconcile the irreconcilable factions in the Cabinet and the parliamentary Conservative party, and we have ended up with a worst-of-all-worlds deal. The deal has united the Leader of the Opposition and the Democratic Unionist party—that takes some doing—and united leavers and remainers in opposition to it.

I want to turn to the notion of a people’s vote, about which I am extremely sceptical. I recall that many who now advocate a people’s vote were the biggest critics of David Cameron for holding the first referendum. In the internal debate that took place in the Labour party, good and hon. Friends now supporting a second vote were the most vociferous persuaders in ensuring that an EU referendum was not in our election manifesto. If determining our future in the EU by referendum was wrong in principle in 2015, 2016 and 2017, why is it right now?

Of course I deplore the untruths promoted by the leave campaign, including false promises, but if that is a justification for a second vote, I suggest that many general election results through history would be null and void. The only certainty about the result of a second referendum is that it would once again expose the fact that we remain deeply divided as a nation. Worse than that, even if it resulted in a decision to remain, it would fuel support for nationalism and hard-right politics and politicians like never before. It would be the elite telling the people they got it wrong and we know best. Have we learned nothing from political earthquakes erupting around the world?

I say to my Labour friends that even if a second vote results in a victory for remain, it may turn out to be a pyrrhic victory. We were in the EU when, for 18 years, Thatcherism destroyed the fabric of communities in our society. We have been in the EU since 2010, while we have seen the poorest suffering the most as a consequence of austerity. There is nothing more likely to perpetuate right-wing Governments than a backlash against a second vote supported and promoted by progressives. Of course it is right to ask whether we will be worse off if we leave the EU, but it is also right to ask who will suffer the most if, through apparent contempt for half the population, we consign our country to long-term right-wing Governments.

It is incumbent on all of us not simply to oppose this bad deal and to oppose no deal, but to present an alternative, as the hon. Member for Carlisle did. I have come to the conclusion that the best, if far from perfect, option—crucially, it could secure a majority in this place—is so-called Norway plus. I accept that will become possible only when hon. Members’ first preferences are defeated, but I believe a significant majority in this House will act in the way envisaged in the amendment of the right hon. and learned Member for Beaconsfield (Mr Grieve), which we passed last night, and unite around that option as the best and only viable alternative to no deal. It is not perfect, but it respects the referendum result while providing the stability to ensure a relatively smooth economic transition.

Since the referendum, the Government have let the people of this country down very badly. They failed to seek cross-party consensus when that was possible and indeed was required by such a close result. Instead, they have allowed the dysfunctional Tory family on Europe to create a dysfunctional country that is much diminished in the world. The Prime Minister has not listened, and in the case of Northern Ireland has clearly breached trust. That is a question of substance, and not just for the politicians representing Northern Ireland in this House; it is about a sense of being told untruths.

That is why Members of good will on both sides must make the best use of yesterday’s amendment, assert the authority of Parliament and show what acting in the national interest truly means. Only then will we put the country on a path to a better future, and maybe even regain some public confidence and respect. Hon. Members need to reflect on the public’s contempt: they asked this group of politicians to make the decision on Brexit in the national interest, yet all they see is a disastrous situation where the Government have negotiated a shoddy deal and Parliament seems absolutely incapable of coming together and working together in the national interest.

If, as we suspect, the amendments and the substantive motion are defeated next week, it is incumbent on all of us in this House to unite not around the ideal, but around a solution that is pragmatic and actually represents the best interests of this country. I urge people to give serious consideration to Norway plus in that context.

5.40 pm

Mr Marcus Fysh (Yeoval) (Con): It is a pleasure to follow the hon. Member for Bury South (Mr Lewis). There is a better plan and a better future than this friendless withdrawal agreement, one free of fear. The way to unify, as he said, is to lead and to show what that alternative is. It is not, however, Norway plus a customs union. That would make us a rule taker with no autonomy. It would be against the referendum result and our manifesto pledges. We would continue to pay money and there would continue to be freedom of movement. It would still require a withdrawal agreement, which we all hate, and it would not settle the issue. It would just create more uncertainty for business and for the people in this country.

We need to go for an advanced free trade agreement and replace the protocol on Northern Ireland with something that will still give confidence to communities on the island of Ireland. We can provisionally apply such an agreement if a plan and a schedule are agreed for zero tariffs, so that that can persist after the end of March. It can have efficient cheap processes for all our borders, which business can deal with, and free trade rules that cumulate, so that supply chains do not suffer dislocation. It is a future that we can have, but we need to ask for it and not give in.

That does not mean that we have to leave in a disorderly way. We can continue to talk constructively about how we can be friends and allies, and what the
best arrangements are for that. For me, money can remain on the table—that is fair enough; give and take and compromise are okay by me—but we must do this as separate, sovereign jurisdictions. Both sides must now prepare. When the EU hear that, I think there will be relief on their side. They will know what they are dealing with. They will have interlocutors with whom they can have frank and constructive dealings, knowing that there are limits. The EU are not bullies—that disrespects them—but they are what they are, which is a bureaucracy whose natural imperative is to push limits. If we do not show them where those limits are, they will have no reference point for where to stop. We have to stand strong at this point.

The truth is that the withdrawal agreement is not a compromise, but a capitulation made out of misunderstanding and fear, and out of letting the EU make the running by letting it set the schedules, agendas and the texts. This, sadly, is what has led our country and our democracy to the chopping block, trussed up for the EU’s feast. It is a tragic misconception of the economics and the practicalities by those who I think have never really properly applied themselves. Yes, I have been very critical of the Cabinet and those on the Government Front Bench. I think that that is justified and I am not afraid to say why.

There is certainly a better way to do this. The forecasting has been wrong. The countries that have offered us free trade have been rebuffed, and experience and knowledge within Government Departments and the civil service have simply been ignored. That makes me wonder why. Is it because we have a Government full of EU ideologues, or are they just afraid because they do not understand how trade can be really efficient and how cross-border supply chains can sit well in a trade agreement framework outside the EU? It is not really a case of whether the perfect is the enemy of good. The point is that there is a better plan and I am afraid that the Prime Minister’s deal is in no sense good. It really is a very bad agreement. It is not something that the Government have modelled because I do not think that they dare.

We have heard about a lot of things in the backstop element of the withdrawal agreement that are not good. The joint decision that is required in the Joint Committee, unless there is a superseding agreement, pretty much guarantees pain for this country. In the backstop, our interlocutors will have massive leverage and they will have hostages to fortune. They will have us where they want us and we would be just wrong to say that it will be uncomfortable for them. I believe that is naive, delusional or worse. It would put us as a captive into a customs union with antiquated procedures. There would be wet stamps, for goodness’ sake, on physical pieces of paper—Toyota will not like that one bit. The Government should be embarrassed by the deal, because it really is that bad. Has the Treasury modelled what it would cost industry to do this wet-stamping process? When we look at third country trade on current EU rules, the cost is only about 0.3% of the value of consignments, but the Treasury is forecasting 11% for the car industry. It must have wet stamps in mind, because in modern customs, it ain’t that expensive, or anything like.

This really is a matter of trying to see what we can do now. There are other hostages—I have mentioned before that I have discovered that state aid would apply to our defence industry in the backstop. That is an outrageous change and it gives our sovereign ability in defence wholly to the EU to decide how competitive that is. I have asked five Cabinet members now whether they know about this. None of them does, and I think that people need to read the agreement properly. I will be circulating a note about this later tonight so that Members can make up their own minds, but this concerns 123,000 jobs all over our country, in Labour constituencies, SNP constituencies—it affects all of us. This is just not an acceptable state of affairs for our national Government to be putting us into.

I implore colleagues to say no to this humiliating servitude that has been served up for us. It would be the cause of shame for generations to come. There is a better way to do this.

5.47 pm

Mr Jim Cunningham (Coventry South) (Lab): This is probably one of the most important debates that I have ever taken part in in this House, and we have had quite a few important debates. Certainly for my constituency and probably for other constituencies up and down the country, we are talking about our young people’s future just as much as we are talking about our constituents today and their interests today.

If we look at the effect on the economy and GDP, the Treasury’s analysis suggests that this deal would leave the economy 3.9% smaller after 15 years than if we stayed in the EU. Unsurprisingly, it also shows that any form of Brexit would leave us facing a huge economic loss. Of course, the worst-case scenario is a no-deal Brexit, which would leave us 9.3% worse off over that 15-year period. We did not need that analysis to tell us that a no-deal Brexit is a significant threat to this country, but the choice facing us today is not between a bad deal or no deal. There are strong economic grounds for us to vote down this deal and to seek a different Brexit with the EU, or to remain as we are.

Coventry has a long history of manufacturing, and 11,000 people in my constituency work in the manufacturing industry, just as I did. Because of that, I have had regular meetings with some of the biggest manufacturers in Coventry, including Jaguar Land Rover, Meggitt and the London Electric Vehicle Company. Throughout the Brexit negotiations, they have been concerned about what Brexit will mean for future business in the EU. Anybody who knows anything about manufacturing knows that manufacturers need at least some stability to look forward four or five years—sometimes it is a lot longer in the aircraft industry—but this deal does not give them that.

The Government have responded to some concerns, but they have not provided enough information for businesses to plan long term, as I have already indicated. Their failure to convince business is shown most of all by the leaked CBI email revealing its true opinion, which is that this is not a good deal. All businesses need stability to plan ahead and to protect the jobs of our constituents. This deal offers no stability and is a stab in the dark that puts the jobs of my constituents at risk. I will therefore not be joining the CBI in backing the deal, which I, and the CBI, have great reservations about. If the deal is defeated on Tuesday, it will set us on a path to a different Brexit—one that puts the jobs of my constituents before the ideology of some of the Prime Minister’s Back Benchers.
I am lucky to represent a constituency with not only skills and success in manufacturing, but two world-class universities, Coventry and Warwick—incidentally, research and development is as important to them as to the manufacturing sector and companies such as Jaguar Land Rover. Those universities bring huge benefits to the local economy and to the UK as a result of their cutting-edge research, which contributes £1.8 billion in GDP annually. They are a crucial part of our community and economy, just as other universities are across the country.

I have been in touch with both universities to see what the deal would mean for them. Unsurprisingly, they are not willing to back a deal that does not mention the word “university” once in its entire 585 pages. Since 2010, they have received close to £100 million in EU funding. There is no mention in the agreement of replacing that. Considering that the previous Universities Minister resigned over the deal, it is clear that it does not deliver for students or universities. Both universities are outward-looking institutions with strong links to Europe, as shown by the fact that about 10% of both students and staff in Coventry come from the EU. The Government says they want diversity to continue, but that is not backed up—the deal fails to mention the Erasmus scheme.

The EU contributes a huge amount to Coventry through funding beyond that given to universities, but this funding has yet to be protected and guaranteed for the long term after Brexit. According to the House of Commons Library, Coventry has received over £400 million in funding from the EU since 2014. This money is a crucial part of the local economy and keeps thousands of people employed. Unfortunately, we all know there is no chance of the Government maintaining this funding as well as increasing funding for the NHS.

The Prime Minister may pretend there will be a Brexit bonanza, but her Brexit will not fill the gap left by EU funding, and that will leave Coventry worse off. She has made numerous vague promises of extra funding for the NHS after Brexit, but this relies entirely upon us starting new trade deals immediately after the transition period, and these deals will not be that easy, despite promises to have 40 of them ready by next March. Without any definitive evidence of extra funding, her warm words on the NHS may as well be written on the side of a bus.

As well as threatening the jobs of my constituents and their public services, the deal threatens their rights at work. Any new workers’ rights protections from the EU enacted after the transition period would not apply to the UK, and if we fell into the backstop—an agreement that we cannot leave unilaterally—workers’ rights would be frozen. It would leave UK workers and trade unions unable to take complaints to the European Court of Justice, despite the Court’s responsibility for this. The Tory right want to cut back on workers’ rights in their ideological vision of Brexit Britain. This deal makes it far too easy for that to happen.

5.54 pm

Tim Loughton (East Worthing and Shoreham) (Con): I approach this debate with a sense of disappointment, the same disappointment that I felt when I decided to campaign for, and vote for, Brexit. I did so not because I had an ideological phobia of the EU, but because I believed that the EU was going backwards, that the UK’s interests were diverging from it, and that without reform it was doomed to steady but terminal decline. That reform was not forthcoming. However, I do not want to repeat what was said in the debates in the run-up to the referendum, as, I fear, many Members have in recent weeks and, indeed, today. This debate is about the deal that is now before us. The country voted to leave on 23 June 2016, as did my constituency. The Government pledged to implement “what you decide” in their little booklet costing £9.3 million. At the time of the 2017 election the two main parties secured 82% of the vote, and both pledged to implement the referendum result. The people have given us no alternative instruction since then, and manifestos have not been rewritten.

The campaign to sideline the referendum result has been marked by two, I think, disingenuous approaches. The first is that it has all become a bit too complicated, so should we not just call the whole thing off? The second is a constant embellishment of the horrors of post-Brexit economic forecasts, which have dually encouraged remain voters to believe that the result would be reversed and encouraged EU negotiators to believe the same, which makes any terms for our departure doubly unpalatable.

I have discussed my view with my constituents, and more than 1,000 have written to me urging me to vote against this deal. In contrast, only a few dozen have urged me to support it. Today I should be welcoming a meaningful vote for a proposal that delivers the Brexit for which I campaigned and for which my constituents and the country voted, but alas, I cannot do that, because this proposal does not deliver Brexit. Its unprecedented terms have the potential to undermine our sovereignty and the Union of the United Kingdom like nothing before, and I am deeply worried for the future of Brexit after the shambolic way in which the whole issue has been handled by the Government in recent days.

Alberto Costa (South Leicestershire) (Con): I have a simple question for my hon. Friend, and for others who have difficulty in voting for the deal. If we do not vote for it, what will happen to the rights of United Kingdom nationals living in the EU27 after 29 March?

Tim Loughton: That is up to the Government to negotiate. They have failed to produce the immigration White Paper for which we have been waiting for some time, and they really need get on with answering questions like my hon. Friend’s and providing some certainty.

Many Members have used metaphors for our present predicament. Let me add another to the mix. It is like buying a house that you have only seen from the outside. You hand over the full asking price at the outset, upfront. You sign all the legal transaction documents without even agreeing on the fixtures, fittings and completion date, or indeed knowing whether the immigration status of your family allows you to live there. Only after that do you commission a survey, the results of which you do not share with your family despite eventually finding out that the neighbours have an unlimited right of way across your garden and unfettered access to your garden pond—and you have no indication of when you will be able to move in. Who in their right mind would agree to such
a deal on buying a house, let alone on such an important issue as the future constitutional basis of our whole country?

My hon. Friend the Member for East Surrey (Mr Gyimah), in an excellent speech—he is welcome to the Back Benches if he is going to make more speeches like that—described this as a deal in name only, and said that it was another case of difficult decisions being kicked into the long grass. Above all, what we need now, and have needed for some time, is certainty: certainty for our citizens, certainty for our businesses and investors, certainty for our fishermen, our farmers and many more. Yet the political agreement that accompanies this document—which sounds good—is littered with conditional phrases such as “agree to develop”, “intend to consider”, “will explore the possibility”, and “best endeavours”. That is not concrete enough for me to feel that I can sign up to it. My biggest fear is that this deal only extends the uncertainty—now confirmed by the Attorney General’s advice—over how long we will continue to be rule takers for our tariffs, our regulations, our alignment requirements, our competition laws and our trade deals, and the uncertainty over the integrity of our whole United Kingdom and our sovereignty.

As for Northern Ireland, the EU has spent the last two years declining to agree a practical arrangement for the border, despite facing the real and present danger of that ending in a no-deal Brexit that would see no handover of £39 billion, and the serious disorder that a no deal could bring in the short term at least. What I do not understand is why on earth the Prime Minister thinks the EU will agree to a solution to this, I think, much overhyped and largely fabricated problem of Northern Ireland in the next two years when the cheque will have been signed and a legally binding framework deal agreed. What leverage will we have left to secure mutually beneficial terms in all the outstanding issues to be resolved to avoid an interminable backstop—and there are many issues still to be resolved? It is unthinkable that we should sign a deal that compromises our sovereignty and the ability of this House and this Government, answerable to our peoples, indefinitely to set our own laws.

Justine Greening: My hon. Friend is making a powerful case. Does he agree that the perverseness of this is that it is putting us in a worse position than the status quo?

Tim Loughton: I am afraid that my right hon. Friend is right. There are some advantages to the position we are in now that we sign away in this never-ending backstop, transition, waiting-room phase that we are going to be stuck in. For all those reasons, I cannot support a deal that has an open-ended backstop at its heart. We need a clean, global Brexit on terms on which both partners can confidently plot their future beyond 2020 to our mutual benefit—no more kicking into the long grass; no more avoiding taking difficult decisions. It does not make that decision any easier by having endless transitions and further discussions and negotiations lasting years and years. We have to grasp the reality.

Where is a crack team of the best brains across the UK and EU working on credible, practical, technology-based solutions for the Northern Ireland-Irish border, for example? Surely that should have been our biggest priority for some time if the backstop hinged on it, but I do not think I am alone in looking in vain for any sense of urgency here.

Those who have come up with no practical solutions for a workable Brexit deal, despite having stood on a Conservative or Labour manifesto at the last election that pledged to deliver Brexit, should stop kidding themselves and stop conning the British public that everything will be magically resolved by a second referendum. If it were to come up with a different result from the first referendum, why should 17.4 million people who voted in good faith, many for the first time ever, accept the result? If it were to come up with the same result, how much more time will be wasted, how many more resources will be wasted and how many further damaging delays will be caused? And given the huge divisions resulting from the first referendum, how does repeating that bruising experience do anything to help to bring the country back together again? Surely our current travails would be exacerbated even further, if that were possible.

So for me there is only one alternative—to resoundingly reject this framework deal in the House when we vote next Tuesday. It will send out a strong message to the EU that, while there is much in the agreement we can sign up to, and much that can be negotiated in subsequent negotiations, an unbridled, non-time-limited backstop makes it completely unworkable. If the EU is serious about achieving a mutually beneficial relationship, it must acknowledge that, re-engage accordingly and come up with more realistic terms that this House then can show a lead in agreeing to in determining our future and bringing back some degree of the certainty that everyone is screaming out for.

Wera Hobhouse (Bath) (LD): In June 2016, the country voted by a narrow majority to leave the European Union. The Prime Minister is offering us a deal and says we should vote for it because it delivers the will of the narrow majority. She also threatens us with the prospect of a no-deal Brexit, with all the truly damaging consequences for our economy and for people’s livelihoods. So what is my duty as an MP to resolve this matter in the light of the 2016 referendum? Do I have to vote for any Brexit that is put in front of me? The duty of an MP in our representative democracy is to listen to the people and respect their views, and to use our own judgment as to what is best for our constituents and the country. Keeping this balance is at the heart of the matter before us.

Nobody can deny that the referendum happened or the result it produced. In the past two years, we have been confronted by many worrying reports of how the leave campaign manipulated the campaign in an improper way, and we should be deeply concerned about the threat to our democracy that such manipulation poses. However, the result has not been nullified and the Government had a duty to find a Brexit that was good for the country, so I have looked at the deal in front of us and asked two questions: Does the deal result in us leaving the EU? It does. Does it protect the interests of our country? It does not. Why should I vote for it if I truly believe that it is not in the interests of my constituents or the country?
James Heappey: I am grateful to the hon. Lady, my near neighbour, for giving way. If we are to leave the European Union, does she believe that the Liberal Democrats should campaign thereafter to rejoin it?

Wera Hobhouse: A deal has been put in front of us, and I am looking to see whether it is in the best interests of the country.

The Prime Minister has refused to work with Parliament to find a consensus. She rushed off and drew up her red lines, which made it impossible to find reasonable alternatives, and she is now trying to bully Parliament into forgetting what is good for the country. She tries to make us think that our only duty is to vote for her deal and deliver a Brexit of any form. If the Government had won the argument, and if a good Brexit were possible, this would be a very different debate. However, if no particular deal put before Parliament is a good deal compared with EU membership, what should Parliament do? Should we vote for this deal just because it is here, and because it is not as bad as crashing out? No, we should not. To do so would be to violate a deep principle and a duty that no MP can escape from, which is to use our own informed judgment. I encourage my colleagues across the House to look into their hearts and ask themselves whether this is the deal that is best for the country.

The Prime Minister is using a different argument. She says that we have to leave the EU even if it is bad for the country, because the people voted for it. She suggests that the dutiful thing for MPs to do, in the light of the referendum, is to vote for something even if we believe it is not good for the country, but that would make a nonsense of our representative democracy. I have been elected as an MP to employ my own informed judgment when voting. I have never yet seen a proposal for a good Brexit. In every aspect, it has become plain to see that leaving the EU is making us economically poorer, less influential and less able to control our own destiny.

Even the Government have given up telling us that this deal offers anything better than EU membership. All they do is reiterate that it delivers the will of the people, but no MP should be obliged to vote for something that they believe not to be good, or no worse than what we already have. On the contrary, we have a duty to do the opposite. Does this mean that we should defy the will of the people? No. We can legitimately reject any particular Brexit deal in accordance with our own informed judgment, but Parliament cannot move from there and cancel Brexit. This House cannot call off Brexit. Only the people can do that, and that is the true meaning of the referendum result in 2016.

When Parliament decides that no Brexit deal is good enough, Parliament is stuck. At this point, the decision has to go back to the people. That is how our democracy works. It balances our representative democracy with the fact that we have had a referendum. Our representative democracy does not demand that MPs surrender their judgment. This Parliament has spent the last two years trying to find a Brexit that is good for the country. If no such Brexit can be found that commands a majority in this House, MPs must agree to go back to the people. In my judgment, this deal is not good for the country. It would be a catastrophic mistake, and I will vote against it. As I have said many times before in this place, I believe that the only way forward is a people’s vote.

6.9 pm

Anne Marie Morris (Newton Abbot) (Con): This country voted for Brexit, and it is incumbent on the House and the Government to deliver just that. The people who voted for Brexit did not vote for something that they did not understand. They voted for a land of opportunity and for freedom: freedom over our laws and borders, and the ability to trade freely, which we cannot do as members of the EU.

Today and over the next couple of days, we are asked to consider a withdrawal agreement and a political declaration. Amazingly, the withdrawal agreement has everything the EU wants in it, and would be binding. The political declaration, which looks at our future trading agreements and relationship, is what we in the UK want, and guess what? That is not binding.

In the west country, the impact on the fishing industry would be devastating. A clear link is intended between our ability to fish and reaching some form of economic deal. Voting for the deal would be damaging not only to my fishermen but to the country as a whole. Most importantly, it would not, in any shape, size or form, deliver Brexit. The motion is a triumph of hope over experience. Our experience of the EU is generally, “This is what we want. You can have as many goes at it as you like, but it is that and nothing else. We will not move.”

If we vote for this agreement, we will remain a rule taker from the European Court of Justice on environmental and employment matters; even the withdrawal agreement will ultimately, if there is a dispute, be determined by the ECJ. As has been discussed, we will have no right to leave unilaterally. We have all now seen the Attorney General’s advice; I do not really need to say more, do I?

We will be unable to pursue independent trade deals. The agreement does not say that we cannot, but because we are bound to strict equivalence with the EU in many areas of legislation, we are very unattractive, as the Americans have already said. If we stick to the EU’s rulebook, we cannot do what one normally does in a trade deal: agree tariffs and the methods of rule and regulation to ensure an equivalent outcome in both countries.

As we have heard said very emotionally, the backstop threatens the integrity of the UK, and would potentially put a border down the Irish sea. That is not acceptable; it breaks the Union. The extension period will continue the uncertainty for business, not bring it to an end, as many seem to think.

Quite a number of amendments have been tabled. They will not improve matters. What do they do? They have a go at sorting out the backstop by removing or time-liming it, but the backstop is not the only problem with the agreement, so that will not work. There is also an amendment requiring another referendum. I am afraid that I have to disagree with the hon. Member for Bath (Wera Hobhouse); the people have spoken, and we must accept that. It is not for us to say to the people, “Try again, and get a result that the EU wants.” That is simply not acceptable.

The Opposition’s amendment would keep us in the customs union, which would absolutely disempower us from doing any trade deals. Worst of all, none of the amendments would stop us paying £39 billion—and according to the Office for National Statistics, it is no
longer that but £46 billion. If we extend our relationship, which we could do for a very long time, we continue making annual payments.

Next Tuesday, we will be asked to take a meaningful vote. Those who think that supporting the arrangement is the only thing they can do to deliver Brexit should think again. That is absolutely not right. There is another option—I wish there were others, too, but there is no more time; 29 March is almost upon us.

Alberto Costa: My hon. Friend says that there is simply not enough time. I pose the same question that I asked my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton): on what rights will UK nationals—1 million of whom reside in EU27 countries—rely on 29 March 2019?

Anne Marie Morris: My hon. Friend has asked a very sensible question, to which I will give an answer.

I am afraid that I reject the description of what will happen as crashing out or as falling over the precipice. We will go out on a World Trade Organisation deal, and that will be very much to our benefit. We do 98% of our trade on WTO arrangements. I do not agree that the Government are not prepared, because they are. I have listened to proposals from most Government Departments, and I do not agree that suddenly there will be chaos. I do not dispute that there will be a bumpy ride, but we are prepared. I can also tell hon. Members that, from the evidence I have seen on the Public Accounts Committee, those on the other side in Calais are no more in favour of chaos than we are in Dover, so please—

Mr Dominic Grieve (Beaconsfield) (Con): Will my hon. Friend give way?

Anne Marie Morris: No, I will not.

Mr Grieve: Why not? You get another minute. I am most grateful to my hon. Friend for giving way.

I have just two points. First, my hon. Friend talks about the WTO. If I understand her correctly, she therefore expects to get a whole series of deals from the WTO arrangements. I do not agree that the Government are not prepared, because they are. I have listened to proposals from most Government Departments, and I do not agree that suddenly there will be chaos. I do not dispute that there will be a bumpy ride, but we are prepared. I can also tell hon. Members that, from the evidence I have seen on the Public Accounts Committee, those on the other side in Calais are no more in favour of chaos than we are in Dover, so please—

Anne Marie Morris: As one lawyer to another, I say to my right hon. and learned Friend that he has misrepresented the way the WTO works. It does not require lots of other deals. It takes us out and enables us to look at all sorts of options—we could move into a Canada-style free trade agreement. There are many things that we could do.

I take issue with the amendment my right hon. and learned Friend tabled yesterday. Many people think that, at the end of the day, it will empower us to say, “Okay, if you don’t like this withdrawal agreement, this House has the power to stop us going out”—as he would say—“with no deal.” As I have said, there is no such thing as no deal. As a matter of law, as I understand it—from lawyer to lawyer—the power of such a motion cannot bind this House and cannot stop article 50 triggering on 29 March.

I say to those who are thinking of supporting the arrangement put forward by the Prime Minister because it is the only way: “Think again. That is not Brexit. There is another way.” Rather than buying time and extending the uncertainty, we should go out on WTO arrangements. We will then be free to trade and free to get the sort of deal that this country absolutely needs and deserves.

6.17 pm

Anna McMorrin (Cardiff North) (Lab): I was not elected to this place to make my constituents poorer or less safe. I do not believe that anyone from any party came into politics to do that, but if we vote for this deal we will be doing just that. The evidence is clear: leaving the European Union will make us poorer as an economy, as a country and as a society. It will put people’s livelihoods at risk and the future of our children in jeopardy. I will vote against this deal.

For me, this is deeply personal. I have studied in France and Spain; I have worked in Brussels and Madrid; I speak French and Spanish; and I call myself a citizen of both Wales and Europe. I am proud of the European Union for bringing countries together in unity and peace. Members may disagree with me, and that is their right, but anyone who says that we must leave the EU because of a vote that was taken two and a half years ago is mistaken.

The splits and divisions that we see across society are not going away. Extremists are waiting to expose the differences we see in our politics today, and our actions and words will scar Britain for decades to come. Now is the time for leadership, to be brave and to stand up for what is right, not to blindly follow the path set out by previous Governments and Administrations. We were elected to do the right thing by our constituents—those hard-working families and people who depend on the jobs that a stable and flourishing economy provides; on well-run and efficient public services; and on high performing schools, universities and hospitals. Being a full EU member keeps us safe from terrorism and international crime. It keeps us in the crucial networks that our Prime Minister fought to keep us a part of when she was Home Secretary—access that she cannot now guarantee.

We have a heard a lot of nonsense, repetition and bluster in this House. Many Conservative Members, such as the right hon. Member for Wokingham (John Redwood) have been using the issue for their own ends. They are ego-driven, nostalgic for a past empire and an imperial nation, which is a dangerous attitude from Members ignorant of this nation’s history. Brexit has dominated everything here. It is the single biggest issue facing us since the second world war, it will have repercussions for many years to come and we know that other important business is being sidelined as a result.

This week and next, world leaders are coming together in Katowice in Poland to decide how to tackle climate change. It is the single biggest issue facing the world and our future place in it, but one would not know it here. This place is embroiled in an act of immense self-harm: Brexit. The UK should be leading the way on climate action. Instead, it has tangled itself up in untruths and falsehoods about Brexit.
We have heard many of those untruths over the past two years. We have heard that getting a good deal would be the easiest thing ever, that we hold all the cards in the negotiations, and that there will be £350 million a week for the NHS. We are now hearing another lie: that we should back the Prime Minister’s blindfold, lose-lose deal or plummet off a cliff edge with no-deal Brexit. We know that that is a false choice. This blindfold Brexit deal is a fantasy. Major decisions are being postponed, leaving us forever negotiating our future relationship with the EU. We also know that there is no Brexit deal that can meet all the promises that have been made. The real choice now is whether to go ahead with this blindfold fantasy or stick with the best deal, which we already have as a member of the EU.

There is still time to change course and do the right thing. Many people come up to me in my Cardiff North constituency and ask me to put a stop to the madness. Many of them actually voted leave two years ago, but they are changing their minds. Businesses and people are frantic with worry. The only reason why the Prime Minister has received half-hearted support for the deal from business is that it provides a few years of transition for businesses to plan their move out of this country.

The real risk with this so-called deal is that it leaves absolutely everything unresolved—indefinite uncertainty. That is not what people want. Democracy means that only the people can sort this out, which is why we must ask them in a people’s vote on the final deal.

6.23 pm

Zac Goldsmith (Richmond Park) (Con): It is often said and has been said today, particularly by strong remainers, that we cannot possibly know why each of the 17.4 million or so people voted for Brexit. That is obvious, because there are any number of reasons why people voted leave, but we can be confident that few of them did so in the hope that we would end up with a deal like the one we are debating today. In a legalistic sense, the withdrawal agreement removes us from the EU, but for all intents and purposes its effect is to bind us to the rules of the EU while removing our ability to influence those rules.

I will not focus specifically on the transition period today, although it is certainly true that the EU is given vast, possibly unprecedented, powers over the UK during that time, and that is uncomfortable, but it could well be necessary. The issue is with what happens afterwards. It is also possible that, during the transition period, we will be able to agree a comprehensive free trade agreement with the EU and, as a consequence, we may be able to avoid the backstop, but that seems incredibly unlikely. The backstop effectively keeps us in the customs union and it subjects us to EU rules, with no UK say at all in framing those rules.

We have heard today from numerous speakers that the backstop would divide Northern Ireland from the rest of the UK and would prevent us from striking meaningful new free trade agreements with other countries. The Attorney General gave a magnificent performance in Parliament a couple of days ago, in which he described the backstop in three words: undesirable, unattractive and unsatisfactory.

But the biggest concern about the backstop is that we cannot leave it without the permission of the EU, which is not disputed. The question, then, is what incentive there is for the EU to negotiate in good faith. What would stop the backstop becoming a trap, by becoming the long-term basis for the UK-EU relationship? Given that any EU country could veto our departure from the backstop, the likelihood of being stuck in the backstop is surely very high indeed. We would have to wait until each and every EU country had its fill before agreeing finally to let us out. Yes, we could leave the backstop, as we have heard again and again, if we could prove that the EU is not acting in good faith, but what on earth does that even mean in practical terms?

The withdrawal agreement has united leavers and remainers in an extraordinary manner. I shared a platform a few weeks ago with the right hon. Member for Twickenham (Sir Vince Cable), my constituency neighbour, and it was the first time in two years that we have agreed on something relating to the EU.

We have known for some time that this deal has virtually no chance of making it through Parliament. We know that it jeopardises the Conservative party’s relationship with the DUP, which is critical to keeping the Government going. So it is odd that the Government continue so vehemently to flog what is so obviously a dead horse.

I do not agree that the choice is between this deal, no deal and no Brexit, and I do not agree with those people who gleefully hold up this deal as proof somehow that Brexit is impossible or a fantasy. All it really proves is that those in charge of conducting the negotiations have not succeeded. Mostly they have not succeeded because they are miserable about the referendum result and they have treated the exercise as disaster management. They set out to look at all the risks of Brexit—of course there are risks in such a transition—but they have failed to look for the opportunities as well.

We are one of the biggest economies in the world. We are geographically well placed to continue playing a big role in world affairs. Our language is the global language. Our judiciary is trusted. Despite all the rubbish that is happening at the moment, our democracy remains the envy of the world. Our legal system provides more certainty and clarity than pretty much anywhere else in the world. And people want to live, work and raise families here.

Had we never joined the EU in the first place, does anyone honestly believe that it would not be biting off our hand to agree a comprehensive free trade agreement today? Of course it would. There is still time to pursue the option that Brussels was always expecting, and that makes the most sense for the world’s fifth largest economy: the foundation of a comprehensive free trade agreement based on mutual respect and mutual recognition.

There are many in this House who share my views about the deal but whose answer is to press for a second referendum, which would be madness. There was a consensus at the time of the referendum that the outcome would be honoured. Solemn promises from the Prime Minister were echoed on both sides of the House.

We all remember some people rashly saying that it did not matter how people voted because the EU would never let us out anyway. I remember those people being dismissed as if they were lunatics, but that did happen in Denmark, France and the Netherlands, and I think it happened twice in Ireland. I was one of the people who
[Zac Goldsmith]
dismissed those concerns as conspiracy theories. How extraordinary and how depressing that there is now a real chance those people could have been right all along.

I understand that some people remain mortified by the outcome of the vote, and of course this place is filled with extremely clever people who could potentially find a clever way of stopping Brexit one way or another, but it would demonstrate a remarkable lack of wisdom. A failure to honour the referendum would surely cause an irreparable breakdown in the relationship between the people and the authorities. It would usher in a new era of extreme politics.

There is no reason why the UK should be immune to the trends that are plaguing almost every other country in Europe: in France, where Le Pen leads in the polls; in Germany, where the Alternative für Deutschland, founded in only 2013, is now the second biggest party; in Austria, where the Freedom party is part of the Government; and in Italy, Spain, Sweden, Greece and so on.

If the gut fear that so many people have, the feeling that the political elite simply cannot be trusted, is utterly and completely confirmed, where will those mainstream voters go? It is madness. It could possibly, potentially, be justified if something truly seismic had happened, but it has not. Millions of pounds have been poured into a campaign to undermine the referendum and make people fear every aspect of Brexit, but the polls have barely moved; they are still within the margin of error. I believe the Government are going to lose this vote next week, and I am afraid to say that I hope they lose it. Then, either this Prime Minister or, if she will not do it, another Prime Minister must take this deal back to the EU and change it.

6.29 pm

Catherine West (Hornsey and Wood Green) (Lab): It is pleasure to follow the hon. Member for Richmond Park (Zac Goldsmith), who I know prizes the environment highly, although he did not mention it in his speech, perhaps because it might not have gone along with his argument today, as he is a leaver.

Zac Goldsmith: I thank the hon. Lady for her kind words. She is right to say that I did not mention it, but I have given three lengthy speeches about why Brexit, if done properly, would be a boon—a great thing—for the environment.

Catherine West: I beg to disagree, but I will mention the environment later in my short speech, and it is a pleasure to follow the hon. Gentleman.

I wanted to start by talking about the language we have been using in recent days. The particular term that has caused a lot of concern in my constituency is “queue jumpers”, and I was pleased to hear that the Prime Minister apologised for that in the House the day before yesterday. We know that so many EU citizens in my constituency have been worried by that term. My right hon. Friend the Member for Tottenham (Mr Lammy) and I share the London Borough of Haringey, where 42,000 EU citizens are resident. They are friends, colleagues, NHS workers and neighbours, and they are a valued part of our diverse community. It is important that we in this House do not forget the importance of having that respectful debate, despite our differences of opinion and views.

Obviously, the economy has to be mentioned in relation to this deal, because many have warned about the danger of this deal. In particular, we know that the Governor of the Bank of England has said that all of the assessments identify significant negative outcomes for the economy, resulting in hard-working families facing food price hikes of 10%, businesses facing increased friction when trading and the country as a whole facing yet another recession. I find it difficult to believe that anybody could vote for a deal that could lead to another recession, given that we have not really recovered from the one in 2008, following the global financial crash.

Equally, we have no firm or clear commitments on participation in Europol and Eurojust, and several concerns about security arrangements, which have been highlighted by not only my right hon. Friend the Member for Hackney North and Stoke Newington (Ms Abbott), but others. We know that human trafficking, international crime, drug smuggling, terrorism and illegal immigration are all issues that are tackled most effectively through deep and integrated international co-operation, which is, logically, done in particular with our closest neighbours.

On geopolitics, just a few weeks ago we marked the centenary of the armistice. It is not stretching things too far to bring that into this debate and say just how moving it was to see the German President lay a wreath at the Cenotaph. It was a reminder of the importance of internationalism, and the specific role the EU has played in maintaining peace across the continent and promoting that ideal worldwide. We speak about NATO, defence and security over and over again in this Chamber, but we all know that it is the people-to-people contact, the country-to-country contact, the Erasmus students and the internationalism that underpins that security and makes that relationship meaningful. At a time when the liberal order is once again under threat, with the rise of an expansionist Russia, a volatile American foreign policy and the far right once again on the march on the streets of Europe, as the hon. Member for Richmond Park mentioned, now is not the time to distance ourselves from our European friends.

It is abundantly clear that this deal cannot command a majority in this House, for the reasons I have set out, as well as others. Likewise, we all know that the destination of no deal will not be accepted by a majority of hon. Members. It is pleasing to see so many Members, regardless of which side of the EU referendum debate they are on, say today that no deal would be an act of vandalism. So where does that leave us? Like many Members from both sides of the House, I have continued to make the case for a second vote. The hon. Member for Richmond Park is quite right to say that we must respect the referendum result and must not be patronising about why people voted the way they did. In the same way, once the democracy switch is flicked, the only way to unflick it is to flick it off.

Earlier in the debate, the hon. Member for Totnes (Dr Wollaston) made a valuable contribution. If someone needs a hip replacement, they go to see the surgeon, and in consenting to the operation they know exactly what they are getting. A second meaningful vote for people would really help us Members of Parliament to make the decision. It would be completely different if we had
a Parliament in which there was an overwhelming majority and it was clear as a bell, but given that the result was so close in June 2016 and that we are living through such unusual times in the House of Commons, it is important that the people assist us to make this crucial decision.

I welcome the fact that the shadow Chancellor, my right hon. Friend the Member for Hayes and Harlington (John McDonnell), and the shadow Brexit Secretary, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), have said that a second vote has not been taken off the table. I look forward to progress on that position.

On multiple occasions, the Prime Minister has refused to consider the option of a second referendum, on the basis that the decision was made in 2016, but nothing ever stands still in politics. As we go forward and see that each week we are losing £500 million from our economy, it is important to be a little more decisive and provide the opportunity, quite quickly, to have a second vote. We can then put the issue to bed and focus on other key issues, including the NHS, schools funding and universal credit—all the things that we know our constituents want us to get a wriggle on with.

I recognise the result of the referendum. As mentioned in my intervention on the hon. Member for Ribble Valley (Mr Evans), I have serious concerns about the way Vote Leave ran the campaign. I should emphasise that the illegitimate use of social media, which the Digital, Culture, Media and Sport Committee is now looking into, along with the questionable use of political donations and the question marks over whether some of the funds used may have come from abroad, are all crucial to our democracy. Each time we have a democratic exercise, we learn more from it. It is crucial that if we ask the public a further question on this issue, we get it right, maintain a positive tone and ensure that we have the best standards of democracy. I look forward to hearing other contributions and hope that we eventually get that second vote.

6.37 pm

Sir Robert Syms (Poole) (Con): This will surprise you, Mr Speaker: I am old enough to have voted in the 1975 referendum, and I voted yes to stay in the common market. But what I voted for then changed rather substantially over the years, and I became somewhat concerned about the way the EU had developed. When it came to the last referendum, I was for leave—on balance, but I think that was the right decision. The truth of the matter is that it was not to do with what was on the side of a bus, but that most of our citizens have had to live with the EU over several decades. There was just that general feeling that the EU was not very responsive to their needs. The British people have a certain native common sense that tells us that we could do better on our own. Compared with the 1970s, when Britain was a rather depressing place, Britain is doing really well in the world, and it has been doing so over the past 20 years. The reality is that it was a vote of confidence in this country from the British people. We can do a lot better. We can be an open, flexible, dynamic economy in the world.

Leaving the EU was always going to be a messy business, because any kind of divorce is, and there are compromises to be made. I give credit to the Prime Minister for the work that she and the negotiators have done. It is a difficult job and probably a thankless one, and it will be even more thankless next Tuesday when we get the House’s decision. There are one or two good things about it, and I could agree with a lot of it as a compromise to see us out of the EU, but as a Conservative Unionist, I find the Irish backstop very difficult to deal with.

I do not want to treat any area of the United Kingdom differently from my own constituency. There is a danger of our getting hung up in that arrangement. The advice of the Attorney General is very clear. The Prime Minister needs to go back to the EU and say, “Deal on providing that we have a date to the backstop.” If there is a date, many people’s fears about our getting hung up in the arrangement and not being able to do deals would disappear. We have already heard that there is no intent either north or south of the border to establish a hard border. My fear is that the backstop will be used as a device during the negotiations over trade and over fish—as President Macron has already said—to screw the British down and give us a bad deal.

Antoinette Sandbach (Eddisbury) (Con): I am very grateful to my hon. Friend for giving way. Given that he supported the Common Market, does he accept that there may be an alternative, such as an EEA-EFTA style deal, that would give back the fisheries, remove the need for the backstop and provide the kind of reassurance that he seeks?

Sir Robert Syms: It would not be my favourite choice, but it may well be a choice that the House will have to consider depending on how we end up next year.

The reality is that I hope we can finesse the current agreement. Ultimately, the EU must accept that the backstop is unacceptable to Parliament. If it accepts that, there is a fairly good chance that the deal will go through. The deal, without the backstop, might be rather better than the EFTA proposals. We will have to see how the Prime Minister does. When there has been to-ing and fro-ing between member Governments of the EU, referendums and agreements, it is not unheard of for Governments to go back to the EU and say, “Our people will not wear it, think again.” It would take only some very modest changes to get the deal done. I hope that the Prime Minister listens to what the House says next Tuesday. I am afraid that I will be voting against the deal in its current form, but I will be receptive to modification of the backstop and then I hope that we will be in a position in which we can move on.

I am unhappy about voting against my Government. I have been a Member of Parliament for more than 20 years. Since coming into government in 2010, I have voted against the Government only once. This will be the second time. I hope that I never have to do it again because I believe that politics is a team game and I want my team to win and I want the Prime Minister to do the best for our nation. Unfortunately, though, I am a Conservative and Unionist and the backstop is something that I cannot accept.

6.42 pm

Ellie Reeves (Lewisham West and Penge) (Lab): There can be no doubt that this is a defining moment in our history. Our global economic and political success is at stake. I represent a constituency that voted overwhelmingly to remain part of the European Union and I stand here
The economic landscape has changed. Public opinion
today to make this speech on their behalf. Although the
European Union is not perfect, it is a union that has
helped to bring so much peace and prosperity to our
nation and to our continent. To dismiss our 45 years of
membership diminishes what we have collectively achieved
and what is possible.

Turning to the theme of today’s debate, we should
not forget the benefits that EU membership has brought
to the country through immigration. Could our economy
or our NHS thrive without it? Of course not. In England,
63,000 NHS staff are EU nationals—one third of these
staff work in London. Across the capital, almost half of
the home-building workforce is from the EU, yet over
the course of the referendum and subsequent negotiations,
I have frequently been saddened by the fact that freedom
of movement has become a political football spoken of
only in negative terms.

A few weeks ago, when I was speaking at a public
meeting in my constituency, a constituent, an EU national,
stood up and told me that she had made her life here
and now feared that she was no longer welcome in this
country. I assured her that she was welcome. Like many
others, I am immensely proud of our multicultural
community in south-east London, but the Government
have provided nothing but uncertainty on this issue. It
is irrefutable that immigration has aided our nation and
our continent. We should be proud of what it has
contributed and what it has helped us to achieve.

Let me now speak of my personal experience. As a
teenager, I was given the opportunity to live and study
in Italy through the European Union’s Leonardo da Vinci programme. Growing up in south-east London and
attending my local school, the idea of being offered,
at the age of 18, the chance to temporarily move to Italy
was almost incomprehensible. It was a completely life-
changing experience, and I consider myself to be a
citizen of the European Union. I want my son and all
young people to have the same opportunities that I have
had to live, work and travel freely within the EU.

Instead, young people will be denied the chances of
changing experience, and I consider myself to be a
citizen of the European Union. I want my son and all
young people to have the same opportunities that I have
had to live, work and travel freely within the EU.

When the withdrawal Bill was before the House this
time last year, I tabled an amendment highlighting the
work that Europe had done on family-friendly employment
rights and gender equality. If my amendment, which
lost by 14 votes, had passed, it would have ensured that
Parliament was kept informed of changes in European
law, making sure that we kept pace and did not fall
behind on the equalities agenda. Rights in the workplace
have been fought for long and hard, and a large number of
employment rights on our statute book come from Europe,
including rules on paid holiday, working hours, pregnancy and maternity rights, TUPE and age
discrimination, to name but a few. Sadly, some Conservative
Members would not think twice about tearing them up,
and the workplace risks becoming even more precarious
and insecure without EU safeguards.

I respect the outcome of the 2016 referendum, but
nobody in the House could argue that things have not
changed in that time. The political landscape has changed.
The economic landscape has changed. Public opinion
has changed. All the while, the Government are trying
to force through answers to questions that were not on
the ballot paper in 2016, and expect constituents to
follow blindly.

When I was elected to Parliament, I vowed to my
constituents that I would not support any form of
Brexit that would be detrimental to them. London
voted overwhelmingly to remain part of the European
Union, and by a factor of two to one in Lewisham West
and Penge. As my constituents’ representative and voice
in this place, it is primarily their future that I consider
when casting my vote on this motion.

This terrible deal would result in a miserable Brexit
for the UK, threatening business confidence, jobs, our
NHS and the future of young people. The biggest issues
will remain unresolved while we follow rules over which
we will no longer have any influence. I say to those on
the Government Benches that these negotiations have
been flawed from start to finish, and the results of this
catastrophic approach are apparent for all to see. With
time still left before the end of March, this does not
have to be a binary choice between the Government’s
deal and no deal.

I do not believe that anyone voted in the referendum
to be worse off or less secure. The people should be
given a voice again. They should be empowered to
decide whether they want their future to be carved out
by the Prime Minister’s deal, on which even her own
MPs cannot unite, or whether they want an alternative.
Given the shambles of the deal now before us, surely it
is now time for the decision to go back to the public,
with a people’s vote with an option to remain in the EU.
With so much at stake—our prosperity, our success and
our security—it is only right that we return the decision
to the people and give them their say once more.

6.47 pm

Steve Double (St Austell and Newquay) (Con): It is a
great privilege to speak in this very important debate,
and it is an honour to follow the hon. Member for
Lewisham West and Penge (Ellie Reeves). Although we
come at this from very different perspectives, I respect
her passion in speaking up for her constituency.

The people of Cornwall have a long history of being
a little bit awkward, a little bit independently minded
and occasionally even a little bit rebellious. There was
the famous time when 20,000 Cornishmen marched on
this place because the King had put one of our bishops
in the Tower of London. Even since way back then, the
Cornish have had a slightly awkward relationship with
authority, so it was no surprise whatever to me that
Cornwall voted to leave the EU in 2016.

St Austell and Newquay—the constituency that I
have the privilege to represent—actually had the biggest
leave vote in the whole of Cornwall. However, it is
important that we recognise that the vote was not just
about our relationship with the European Union. It was
about much more than that. Much of it was about
people who felt disconnected, neglected and often ignored
by what we might call the establishment. Thousands
who had never before voted in any election voted to
leave. Despite “Project Fear” and their being told
continuously that this decision would be terrible for
them, they voted courageously for us to leave the European
Union because they wanted their voice to be heard and
they wanted to know that their vote mattered.
That is part of the challenge before this House today and in the coming weeks. This is no longer just about Brexit; it is about the heart of our democracy. It is about who runs this country and whether we are truly a democracy where the will of the people prevails, and whether we in the House listen to those who have voted for us and sent us here to implement the decision that they have made.

Yesterday, a constituent of mine pointed out that on 22 June 2016 he wrote this and posted it on Facebook:

“The day has finally come, tomorrow is EU referendum Day where we all get to vote on a once in a lifetime opportunity to decide whether we are in or out of the EU. I’m not going to persuade anyone either way I don’t think it will make a difference what the result is. We aren’t leaving Europe ever and no vote by the people is going to change that. There are far too many higher powers with vested interests in the status quo to let a silly little thing like democracy get in the way.”

He went on to say that if the vote was to leave, “higher powers will set into motion a series of events that will prevent leaving ever happening. Because it has to be approved through Parliament. There will have to be White Papers, debates, amendments, more debates, more amendments, and plenty more political posturing from both sides of the argument. It won’t be settled in the next 3 years and will then become an issue for the next general election. And by then we will have served another 4 years under Europe anyway and so why would we want to leave now?”

I do not know if he was Mystic Meg or a prophet, but there is a great fear among many, many people. That what he described all that time ago is exactly what is happening. There is a sense outside this place that we are in the middle of an establishment stitch-up that is trying to prevent what the people of this country voted for from happening.

When the amendment that some of my colleagues voted for was passed last night, a cheer went up with the sense that somehow a victory had been won over those on this side of the House who want to see a true and proper Brexit. That victory was not against people like me—it was against the 17.4 million people in this country who voted for leave, and believed in this place, and put their faith and trust in us to deliver what they voted for.

I do not support the Prime Minister’s withdrawal agreement because I do not believe that it delivers what we have promised time and again as a party. It does not deliver what we put in our manifesto last year when we had the £39 billion to bargain with. We have had the elements in the withdrawal agreement that are not acceptable to the House and need to be removed in order for the House to support it. Obviously, that is primarily around the backstop. If the EU will not do that, under the legislation, no deal is the default position. Those in the House who say that no deal should never, ever be considered are effectively saying that we can never leave the EU until the EU agrees terms with us. That is admitting defeat. That is saying that we are effectively a colony of the EU and we can never leave of our own volition, but only when it agrees terms with us. I do not believe that that is right. It is not what the future of this nation is about.

When we vote against the deal next week, I hope that the Prime Minister will listen to the genuine concerns of many of us across the House who believe that this deal does not deliver what we promised the people of this country, and that she will go back to the EU with a positive message. We need to believe in the future of our country—not just our right to be free and independent of the EU, but our ability to deliver a proper Brexit and enable this country to flourish outside the EU.

6.54 pm

Wayne David (Caerphilly) (Lab): I voted in favour of triggering article 50, so that negotiations could begin on Britain’s withdrawal from the European Union, but having read the result of the Prime Minister’s negotiations—the withdrawal agreement and the political declaration—I will vote against what has been negotiated. The majority of my constituents voted to leave the EU, but I do not believe that they voted to make themselves poorer or to jeopardise their safety. I am not taking this decision lightly. I believe that it would be enormously damaging for the people of this country, and in particular my constituents, if Britain were to leave the EU on the basis of what the Prime Minister has negotiated.

Fundamental to my concern is the fact that the withdrawal agreement deals only with the process of Britain’s departure from the European Union. After December 2020, the only thing that has been agreed is a political declaration of a mere 26 pages that is extremely vague. In other words, if Parliament accepts the Prime Minister’s package, we have no real idea of what this country’s relationship with the EU will be like in the long term. It will be a blind exit and a step into the dark. We will be leaving the European Union on a wing and a prayer. The real negotiations on our long-term relationship will only begin in earnest once we have left the EU, during the transition process, and Britain will be in a weak bargaining position as a consequence. I am passionately concerned about that.

I am very concerned about the number of young people in my constituency who have expressed concern about the situation in which this country finds itself. They are concerned about their inability to travel around the EU and the reduction of opportunities if travel is restricted. They are concerned about the creation of a constantly inward-looking country, while their instincts teach them that they must be looking outwards to Europe and the world.

There is also concern in my constituency about the employment consequences of this deal. That is extremely important, because much of my constituency’s prosperity and the employment prospects of a large number of people depend on Britain having a positive relationship with
with our largest and nearest trading market—the European Union. This deal does not offer the prospect of such a positive relationship.

There are huge problems with the short-term withdrawal agreement, not least the weak commitments to workers’ rights, which have been highlighted by the TUC, and the prospect of weak environmental standards. There is also concern, as has been highlighted in the debate, about the security implications of the transitional agreement and beyond. Let us not forget that last year, the European arrest warrant resulted in 183 individuals being brought back from other European countries to face justice in this country. Because of the European arrest warrant, we have seen an increase in security and justice internationally.

My concern is that once we leave the EU and go beyond the transition period after December 2020, we are by no means certain what arrangements will be in place and what will be negotiated. It is quite possible that we will have to fall back on the kind of extradition agreements that we had in the past. Let us not forget the problem we have there, which is that France and Germany’s constitutions prevent them from entering into such extradition agreements. There is real concern about security and the rule of law, which have huge implications for our future.

In essence, that is why I will vote against the Prime Minister’s deal on 11 December, but I want to make the point that I am also strongly against any attempt to take Britain out of the European Union without an agreement. A no-deal Brexit would be disastrous for the people of my constituency, and the Prime Minister should not even contemplate such a course of action under any circumstance.

It is small wonder I have been approached by a constituent who is diabetic and insulin-dependent, and who is genuinely concerned about what will happen to his health if we leave the European Union without a deal and he cannot get his insulin. That concern can be replicated throughout the country time and again, and it is completely wrong that the Prime Minister is holding this sword of Damocles above the House of Commons.

This is an important decision that we will face next Tuesday. We should not underestimate the significance of the meaningful vote, but I honestly believe that this agreement is against the best interests of the people of this country and against the best interests of the people in my constituency. Therefore, I have no doubt in my mind that the best, correct and proper thing to do is to vote against the agreement.

7 pm

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): It is an honour to follow the hon. Member for Caerphilly (Wayne David).

Since the EU referendum result in 2016, we have all been grappling with the result and what it means for our constituents and our country, and with how we should best respond in the interests of our country. I believe the public, rightly, are tired of Brexit. For many, it has become an issue that is far too abstract, legalistic and confusing. Frankly, they want us to get on with it, but our constituents are relying on us to get it right. This debate and vote may be one of the most important that right hon. and hon. Members in this place will have to make a decision on. Probably it is one of the most important votes, if not the most important vote, that we will cast in our parliamentary careers.

Almost everyone I have spoken to, whether or not they support this deal, has a huge amount of respect for the Prime Minister and admiration for the job that she is doing. Negotiating a Brexit deal with the European Union was an almost impossible job. I have never doubted the Prime Minister’s desire to achieve the best for our country, and she has poured her heart and soul into every aspect of these negotiations. My admiration for our Prime Minister is making this decision for me all the more difficult. It goes without saying that I am loyal to this Government and to this Prime Minister. Our country is undoubtedly better served by this Government than by any alternative. After 10 years in the Scottish Parliament and 18 months here, I understand the significance of even contemplating voting against my Government and colleagues. However, my job here is also to consider the national interests and those of my constituents. That is why I am listening carefully to contributions from all parts of the House during the course of this debate, and particularly those of Ministers in reaction to some of the concerns that colleagues, especially those on the Conservative Benches, have raised.

Part of my decision-making process has been considering what happens if Parliament rejects this agreement. We have been told it is this deal, no deal or Brexit could be stopped. The default position for this process is clear: we leave the EU at 11 pm on 29 March next year with no deal. That is due to both the EU treaty and the European Union (Withdrawal) Act which, when it was passed earlier this year, was amended to include the date and time of exit. In my view, it is regrettable that there has not been greater clarity from the Government about what will happen in the event, as seems increasingly likely, that this place does not give its support to the withdrawal agreement. We are being asked to support this agreement without any proper understanding of the alternatives. We are in effect balancing risks as part of our decision-making process—the risks associated with this agreement as opposed to the risks of the unknown.

Turning to the withdrawal agreement itself, the fishing industry along the Berwickshire coast in my constituency has been decimated in recent years. I know that many of my local fishermen and women are looking forward to a life outside the common fisheries policy. While I have been reassured by the words from the Prime Minister, I am less comforted by the views expressed by other European leaders, notwithstanding the fact that fishing could still be sacrificed as part of the trade deal negotiations. I am happy to accept the words of our Prime Minister and her commitment to Scotland’s fisheries, but my fear is that the precise arrangements will be decided at some point in the future. No Government can bind their successors, so no promise now will necessarily have any effect in the future.

As a Unionist, I also have serious concerns about the provisions for Northern Ireland, given that there will be at least a risk of Northern Ireland being treated differently from the rest of the United Kingdom. That would certainly be contrary to the articles of Union, as I understand them. The main nationalist parties in
Northern Ireland have signed up to the agreement. However, both the Ulster Unionist party and the Democratic Unionist party have said that they are committed to it. That causes me a serious problem. Given the troubled history in Ireland, any constitutional change needs to have the support of both communities in Northern Ireland. Some say that the Unionists in Northern Ireland need to take a pragmatic approach and that they need to compromise. I would suggest that that fundamentally misunderstands Unionism in Northern Ireland. I have every sympathy with those in this place who represent Unionism in Northern Ireland, who have expressed concerns about the potential impact of the agreement on the constitutional status of Northern Ireland within the United Kingdom.

My fundamental concern is that so much of the EU withdrawal agreement is an agreement to agree something further down the line. The can is being kicked further down the road. As someone who studied law at Glasgow University and trained and worked at Freshfields along the road from here, one of my lasting memories from law school and from those teaching me how to draft legal documents is the danger of drafting something that can be construed as an agreement to agree. Is that a problem? My hon. Friend the Member for East Surrey (Mr Gyimah) touched on some of the political aspects, but the consequence is that agreements to agree lack sufficient certainty to constitute a legally enforceable commitment.

There have been many reassuring words about the high standard imposed by the “best endeavours” commitment in the withdrawal agreement, but the reality is that it is meaningless if the obligation itself lacks certainty. The withdrawal agreement was supposed to be a bridge to a permanent relationship with the EU, but the danger is that it will become the norm. We are putting off so many of the outstanding decisions for a later date.

I have wrestled with this for many hours and have lost much sleep over the past few weeks. I have spoken to many businesses and residents in my constituency. I am here to represent their views as their Member of Parliament. I am trying to reconcile my deep misgivings about the agreement with my loyalty to the Prime Minister and the Government. It is not easy. In fact, it is proving to be probably the hardest decision of my political life. I have until Tuesday to decide what I am going to do, and I am going to carefully judge what—

Brendan O’Hara (Argyll and Bute) (SNP): We have heard so much from the hon. Gentleman and his colleagues about threatening to resign if Northern Ireland is treated any differently from anywhere else in the United Kingdom. His own Attorney General’s legal advice said it will be treated as a third country, but and he is still wrestling with it. It is patently clear. Have the courage of your convictions and vote this down. It is bad for Scotland, and it will be bad for the rest of the UK.

John Lamont: I have not threatened to resign from anything. I have just reinforced the point that I am here to represent my constituents, many of whom have concerns about the withdrawal agreement. I am here, as somebody sitting on the Government Benches, to express such concerns and misgivings, and to try as honestly as I possibly can to articulate to the House, and hopefully to my constituents, the thought process I am going through. That will take as long as I need. I will certainly not be intimidated or bullied by SNP Members to make that decision any more quickly. I will take my time, and on Tuesday I will cast my vote for what I think is in the national interest and in the interests of my constituents.

7.8 pm

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): May I start by paying tribute to you, Mr Speaker, for your longevity in sitting through the business today and last night? I think your presence throughout the whole debate shows the importance of these deliberations. As many Members have already said, these are perhaps the most important votes we will ever face in our political career. I think we can safely say, Mr Speaker, that your bladder is considerably stronger than mine.

There is little doubt that people were misled during the referendum by those purporting to suggest that a land of milk and honey awaited if leave won. Two years later, reality bites and the British Government have been forced into signing a humiliating agreement and a political declaration that means that the British state, due to the intransigent policy pursued by the Prime Minister, will leave the European Union with absolutely no idea what the future trade arrangements with its largest trading partner will be after the transition phase.

At every step, the British Government have been outwitted by the European Commission. Its priorities were threefold: first, get the British Government to commit to paying their outstanding liabilities; secondly, preserve the Good Friday agreement, leading to the backstop; and thirdly, negotiate formally only the divorce proceedings before the end of the article 50 period. The British Government, on the other hand, seemed to think that they would be able to negotiate the terms of the final relationship and settle Brexit before the end of the article 50 period. The withdrawal agreement and the accompanying political declaration indicate that what the British Government are claiming as a diplomatic coup is nothing of the sort—it is a capitulation.

All this does not bode well for the detailed negotiations that will happen from March if the current policy is adopted. During those negotiations, the British Government will be a third country, outside the European Union and in a far more vulnerable position. I am not a professional trade negotiator, but it is crystal clear that in those circumstances, the larger participant in the negotiations—the European Union—will be able to squeeze the smaller participant. International trade is a brutal business, where the size and wealth of the market matters. Brexiteers point out that under current arrangements, EU countries collectively export more to the UK than the UK exports to the EU. That shows a gross misunderstanding of how international trade negotiations work. During the negotiations, the European Union’s objective will be to increase that disparity in its favour at the expense of UK producers.

Despite the stark economic reality, we face a Brexit policy being driven by the British Government and the Labour Opposition on the basis of scrapping freedom of movement, regardless of the fact that it is a reciprocal right that works both ways. British subjects will lose the
right to work and live in 27 European states. In her obsession with curbing immigration, the Prime Minister set out red lines in her Mansion House speech that made the current shambles inevitable. Because of that, my colleagues and I voted against triggering article 50. From the very start, the Prime Minister has prioritised party management above the greater good. Like a salmon poacher, the approach of the British Government has been to massage the fantasies of Brexiteers, as opposed to being straight with the people of the UK that they were sold a false prospectus and that if Brexit was to be delivered, it would mean making people far poorer, with the poorest and most vulnerable hit worst.

In the September withdrawal agreement debate, I warned the British Government to take no deal off the political table. It served no purpose as a negotiating tactic with the European Union, which knew that the British state would never be willing to accept the economic damage of no deal or able to get itself ready for the eventualities of no deal by March. I also warned that threatening no deal would not bribe MPs into supporting the Prime Minister. We will wait to see whether my prophecy was correct on Tuesday evening next week. The House’s support for the amendment tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve) last night effectively takes no deal off the political table in any case.

Right hon. and hon. Members and our constituents should be aware of the ruling of the advocate general in the European Court of Justice yesterday recommending that article 50 is revocable unilaterally by the British state. If that recommendation is adopted by the Court, it will clearly indicate that the Prime Minister put forward a false argument that it is a choice of her deal or no deal. This House or the British Government have the power to stop no deal at any time of their choosing. Considering the dire warnings of the British Government over recent weeks, the game of chicken that they have been playing with Members of the House now rebounds on them.

If the British Government’s policy is implemented, it will effectively mean leaving the European Union with absolutely no idea what the long-term future relationship will be following the end of the transition phase. The British Government have utilised the vagueness of the political declaration to try to appeal to kamikaze Brexiteers who favour the WTO option and more sensible politicians who seek a more formalised association-type agreement by saying that everything will be up for grabs during the transition phase. I have outlined the vulnerability of the negotiating position of the British state in those circumstances. The negotiations will be far more complex than the withdrawal agreement, with far more at stake.

Writing in the Western Mail last month, I described the events of the last two years as a tickle fight compared with what would await us if the British Government’s policy was carried. Labour’s policy of trying to use the crisis to force a general election is a complete distraction. I will not waste my time eviscerating their position, but two words come to mind: incoherence and cynicism. With the House of Commons effectively in control of Brexit policy, the Labour party must decide what it wants, a softer Brexit or a people’s vote. Those are the only two options facing us that are palatable to me and many others.

Should we aim for a people’s vote on the British Government’s policy, or the status quo? If the House of Commons cannot agree a way forward, the people must be asked once again to cast a verdict. The only other solution I can see is to support moves towards a formalised association status with the European Union by staying within the economic frameworks—namely, the single market and the customs union. For Wales, that would end the cynical power grab of our powers by the British Government, except in policy fields not within the EEA-EFTA agreement, such as agricultural measures.

The vision that I and my colleagues have for Wales has no time for the narrow-minded British nationalism at the heart of the Brexit project. Ultimately, as we emerge from the current wreckage, the people of my country need to start asking ourselves serious questions about where our best interests lie and what future we seek for our people—the splendid isolationism of British nationalism, or an outward-looking Wales playing its full part in the world. I know which future I choose.

7.15 pm

Victoria Prentis (Banbury) (Con): It is an honour to follow the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards), though I do not agree with all his ideas, and my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (John Lamont), who made a characteristically thoughtful speech.

Many ideas have been put forward today, but, as lawyers are fond of saying, we are where we are. I urge hon. Members putting forward ideas—650 different ideas, possibly, if you can fit everyone into this enormous debate, Mr Speaker—to look down the corridor, where there is another debate going on that is possibly even more thoughtful and perhaps a little less political than the one in this Chamber. I was made to stop and think when I read the speech of the Archbishop of Canterbury earlier today. I encourage all Members to have a little look at what is going on down the corridor.

In the 2016 referendum, the result in the Banbury constituency was the closest in the country. By 500, we voted to leave. I have seen no evidence, talking to people or in my postbag, that significant numbers on either side have changed their minds, though there have been a few. It is really important, given that we are where we are, that we now be sensible and practical. This is a fair deal—in fact, it is growing on me more and more as I go along. It is really important, given that we are where we are, and that we now be sensible and practical. This is a fair deal—in fact, it is growing on me more and more as I go along. It is really important, given that we are where we are, and that we now be sensible and practical. This is a fair deal—in fact, it is growing on me more and more as I go along.

We have in the deal the beginnings of certainty on the status of EU nationals and an inkling of where our immigration policy is going. We know a fair bit about immigration in north Oxfordshire. Poles make up 10% of the population of Banbury. We also have another significant minority in the Kashmiris, who have been with us, in some cases, for four generations. The Poles and Romanians living locally are well integrated, and we value their contribution to or workforce and all aspects of public life.

I am concerned that we put flesh on the bones of the withdrawal agreement, and I look forward to engaging in detail with the White Paper so that my constituents might get practical solutions to problems such as, “Will granny be able to join me when she needs care in her old age?”. The deal is going in the right direction, which is one reason why I am inclined to vote for it, but I am
also persuaded by the almost frictionless trade ideas set out in it. Of course, the future agreement needs more work, but we are going in the right direction.

In Banbury, we are lucky to have almost full employment. We have a wide selection of middle-sized family manufacturing firms—in the food and automotive industries, for example—that are a part of the critical just-in-time European-wide system. When I was hoping to speak in this debate, I thought I would ask my local business leaders what they would like me to say. I asked a wide selection, but I have chosen to read out the comments of two in particular. One is a great local entrepreneur. He was a Brexiteer, which is unusual among my local business leaders, and he now runs a company that is a leading distributor of health and beauty and household brands. He said:

“The deal on the table sorts several of the big Brexit issues—immigration being one. It also protects trade. Smooth trade through ports and ferry terminals is vital to the UK. So much of everything we eat and use comes from Europe. Likewise our exports are crucial to many UK businesses—especially automotive.

My view is we should sign it. I have not seen any credible alternative proposals from others...The Irish situation was always going to be difficult. It should not become a deal breaker. No deal would be a disaster.”

Let me also quote what was said by a representative of a company that manufactures high-end tools. This lady was a passionate remainer, and I am particularly fond of both her and her business—as, indeed, was my predecessor. The company is a great local employer. It is notable that those who visit its factory meet people who have worked there for 35 years, and successive generations of whose families have worked there. She said:

“The deal that is now on the table I believe is the best we could get. It isn’t as good as staying in for obvious reasons—you don’t get a better deal being out of the club than you get by being in it. It isn’t as good as staying in for obvious reasons—you don’t get a better deal being out of the club than you get by being in it. You can’t have your cake and eat it, and we should not be complacent because it is a substantial improvement over a no-deal Brexit. It is better to stay in the EU than it is to leave. I know that people will say that this deal isn’t good enough for a group of industries that are crucial to the UK economy. I would argue that it is better to stay in the EU than to have no deal. It is better to stay in the EU than to have no deal. It is better to stay in the EU than to have no deal.

I could not have put it better myself.

It could be said that Banbury was the most divided constituency on 23 June 2016, but I have seen plenty of evidence locally that we are prepared to come together, work together, and have a bright future with the deal that is on the table.

7.22 pm

Angela Crawley (Lanark and Hamilton East) (SNP): Thank you for calling me, Mr Speaker. I appreciate your forbearance and patience, because it has been a long afternoon.

Along with every other area in Scotland, my constituency voted to remain, yet Scotland has been repeatedly ignored. Because my time is limited, I will focus on three main points. I believe that this deal is bad for young people, bad for women and bad for the economy. The Scottish National party has repeatedly argued that it would be best for jobs, the economy and living standards to remain in the single market. We have refused to be dragged by those on the right into a self-defeating argument about immigration. Instead, at every opportunity, we have focused on the positives, such as free movement and the ability to live, work and travel across 27 countries, as well as the rich economic, cultural and societal benefits that migrants have brought to our country.

Since 2016, I have met many EU citizens and their families—French-born and German-born, teachers and nurses. People who have raised their families in Scotland and have spent the vast majority of their lives there are concerned about their ability to continue to live in the Scotland that they call home. That is just one instance where there is still a lack of certainty. There is also uncertainty for young people. It was my predecessor, Winnie Ewing—“Madame Écosse”—who championed the Erasmus programme. We should not deny future generations of young people the opportunity to learn, to travel and to broaden their horizons but, if anything, sadly, Brexit will only serve to do the opposite.

For all those reasons and more, the Scottish National party has repeatedly argued in favour of remaining in the EU, and, short of that, remaining in the single market and the customs union. Otherwise, free trade arrangements will introduce barriers to trade that will damage jobs, investment, productivity and earnings.

Women will be particularly affected, and the most disadvantaged and the most vulnerable will be hardest hit. When the Women’s Budget Group and the Fawcett Society examined the economic impact of Brexit, they found that there are serious implications for women, predominantly those who are workers, consumers and use public services. The cuts that this Government have placed on those services already have a disproportionate impact on women. A failure to prioritise gender equality has led to an increase in economic insecurity and inequality for these women.

This debate has served to do nothing except highlight how much Brexit has taken over the agenda. I should have been in Westminster Hall this afternoon condemning the Government on their record on gender inequality. Instead I am here debating this. That is of course where we are at and I would not choose to be anywhere else on this day but debating this important subject, but there are so many other important subjects that have been completely neglected.

In most scenarios, real wages for low-paid workers will reduce, prices will increase, and inevitably increase further, and levels of productivity will reduce as well. The UN special rapporteur on extreme poverty outlined that it was clear that the impact of Brexit was an afterthought. That is the point here. So I wish to focus on those who have already been forgotten in this debate: the vulnerable in my constituency, the one in four children who grow up in poverty, and that is only expected to increase. People will ultimately be worse off. We know that for a fact. Is that not sufficient reason in itself for the Government to reconsider their actions and to prioritise protecting the interests of those who need protecting most and are most at risk of the harsh impact of Brexit? Instead they are freezing their benefits and hitting them with five-week delays in universal credit. We are fully acknowledging by visiting food banks that there is an issue here and that we need to do more to support food banks. It is a scandal that these people are an afterthought—Frankly, that is how this comes across. While we stand here discussing Brexit, people will go hungry at Christmas—people will go without food, children will go without gifts, and that is the least of many families’ problems.
My constituency is home to many multinational companies that rely on trade with Europe. In fact, Europe is eight times the size of the UK market, so our relationship with Europe could not be more important. DFDS, the largest employer in Larkhall that daily delivers to all major fish markets and distribution centres; Tunnock’s in Uddingston, which sells its famous teacakes and caramel wafers across Europe and beyond; and Borders Biscuits, based in Lanark with customers across the EU, all not only trade across Europe but are employers in my constituency. Their trade and the trade of many others rely on a good deal with Europe. In my opinion this withdrawal deal fails to deliver that. It offers no guarantees of frictionless access to the single market. It places Scotland at a serious competitive disadvantage to Northern Ireland—and, frankly, to the Union, which guarantees of frictionless access to the single market. It this withdrawal deal fails to deliver that. It offers no guarantees of frictionless access to the single market. It places Scotland at a serious competitive disadvantage to Northern Ireland—and, frankly, to the Union, which Members are so keen to keep. It is no certainty versus stability for the UK’s economy and relationship with the EU in the long term. I thank hon. Members for chuntering from a sedentary position. Let us remember that in 2014 the people were told that the only way to remain in the EU was to remain part of the UK. Please tell me how that is working out for us. Tonight, too, there has been cross-party support in the Scottish Parliament from four of the five main parties rejecting this deal.

For all those reasons and more, I will be voting against the withdrawal agreement and supporting the amendments to protect businesses and jobs and, most importantly, the most vulnerable in my constituency. I cannot honestly in good conscience vote for a bad deal. The bottom line is: the Tories and everyone else across here protected the Union by telling people they could stay in the EU and then pulled the rug from under them the minute people voted to remain part of the UK. What kind of deal is that for Scotland? So of course Scotland is going to vote for independence.

7.28 pm

Daniel Zeichner (Cambridge) (Lab): There has been much talk about the backstop and about the deal in general—so much talk that, if there is a single word that should be deleted from the English language at the earliest opportunity, it is “deal.” This is not about shopping around for a second-hand car or a better mobile phone tariff. It is about our relationship with our nearest neighbours. If there is one thing we probably could all agree on, it is that relationships between states in the modern world are complicated, very complicated. They cannot just be reduced to deal or no deal. Yet after two and a half years, that is how the argument is all too often presented.

Given that the political declaration is so vague and thin, let me try to characterise in stark terms where we have got to. Many have talked about cliff edges. To me it looks as though we have reached the edge and jumped. That is the withdrawal agreement bit. We will have a two-year transition period in which to sort out what happens before we hit the ground—it is quite a high cliff—and the political declaration is the rope by which we are dangling. But while we are dangling from that rope, the clock is ticking. We will hit the ground, and because that ground is the backstop from which we will have no exit, we will effectively have handed the scissors to the people at the top of the cliff. They might let us land gently, but they do not have to do so. Frankly, as negotiating positions go—with the clock ticking and with us heading towards somewhere we really do not want to be—this is really not a very good deal.

There is also the simple fact of geography. We are part of Europe, just as Ireland is one island. Nothing can change either of those facts, so we will have a relationship. It is just a question of what kind it will be. And I have news for those who feel that they have had enough of all this Brexit stuff. Frankly, we are only just at the beginning of all these negotiations. The great irony is that the EU is actually the place where negotiations are done, so coming out will not end the need for reaching agreements with others or for following standards that much bigger trading partners will decide; it will just make it all harder.

That point has been well made by someone I would not normally find myself in agreement with: the right hon. Member for Bromsgrove (Sajid Javid). In February 2016, he wrote in The Mail on Sunday:

“When a deal is reached, it may require us to accept the same blizzard of regulations that is imposed by Brussels not just on member states, but on countries like Norway and Switzerland that need access to European markets. And, like them, it’s possible we would have no say over what those regulations contained, while still potentially paying an access fee.”

I would not have used that exact language, but I rather agree with the right hon. Gentleman, who is now the Home Secretary. It is no surprise that this proposed agreement, despite the hard work of officials over many months, cannot deliver what was promised by the leave campaign. It is no surprise because what was promised was just not deliverable. The political declaration is, unsurprisingly, just a wish list that kicks decisions down the road for future discussion while leaving a vacuum of uncertainty.

Moving specifically to today’s debate topic of immigration and free movement, I can tell the House that this has been a cause of intense distress and uncertainty in Cambridge since the referendum, not just for the thousands of non-UK EU nationals who are anxious about the future but for their friends, neighbours and workmates, who never expected to see their friends suddenly facing such divisions. In recent months, I have worked with my neighbour, the hon. Member for South Cambridgeshire (Heidi Allen), and the business group Cambridge Ahead on surveying businesses, universities and research institutes across our constituencies. Their responses have been consistent in stating that a third-country-style immigration process for EEA nationals would add more bureaucracy, time and cost to their recruitment. That recruitment is essential, due to skills shortages in the UK labour force and the global market in research specialisms. The tier 2 visa system and the £30,000 salary cap are already not working for non-EEA migration, and extending them to EEA movement would be a major own goal for our country.

Detailed evidence has been submitted to our inquiry from the University of Cambridge, and I will quote part of it: “The postdoctoral research community serves as the engine room for much of the research that underpins Cambridge’s world-leading reputation, and provides a source of the ideas, innovation, business generation and disruptive technology that enables the UK to compete as a high-tech economy. Any barriers or disincentives to such recruitment, such as visa costs, could therefore have a significant impact on the University’s research and education operations.”
It went on to state:

“Extending the Tier 2 visa route to EEA nationals, as suggested in the MAC report, would significantly harm the UK’s competitiveness.”

I want to underline the fact that the university believes that that would significantly harm the UK’s competitiveness.

We are having this debate in the absence of any policy direction from a Government who cannot even agree a White Paper, but I hope that the view from Cambridge goes some way to exposing the risks that we would be taking if we continued with a backward-looking, numbers-only focus approach to immigration as the nature of our relationship with the European Union changes. We should of course be celebrating the benefits of movement between countries, not cowering in fear. We are at the global forefront of research, science and medicine, and we should not be risking throwing that away.

The agreement gives us no certainty about future mobility, for research or for any other sector or individual. This is not just about those who are traditionally termed the highly skilled; we also need the cooks, cleaners, bus drivers and builders, because our policy should be based on the needs of our economy, not on fear of being part of a rapidly changing world.

The deal fails on other fronts, too. The Prime Minister has gone from high aims—aiming to be part of the European Medicines Agency and of the European Research Council’s programmes—to what we now have: a hope of some form of co-operation. With such weak, limited ambition, the future for research and innovation—the shining star in the UK economy—looks much less bright.

In conclusion, there is a very good deal on offer—the one we currently have as members of the European Union. However, if we are to remain, it must be remain and reform. The EU has to respond to the unhappiness expressed in so many countries across Europe. Business as usual just will not cut it. That is the debate we really should be having. It is inescapable that we live in Europe. But what kind of Europe do we want it to be?

It is inescapable that we live in a rapidly changing world.

In conclusion, there is a very good deal on offer—the one we currently have as members of the European Union. However, if we are to remain, it must be remain and reform. The EU has to respond to the unhappiness expressed in so many countries across Europe. Business as usual just will not cut it. That is the debate we really should be having. It is inescapable that we live in Europe. But what kind of Europe do we want it to be? I do not think that the Government are capable of facilitating that kind of discussion with the public. The only way out of the impasse we appear to be heading for is an election or a people’s vote.

7.35 pm

Vernon Coaker (Gedling) (Lab): It is a privilege to speak in the debate. I was reflecting, as I think the country is, on how we arrived at this point. It seems that a catastrophic failure of leadership has brought us to within a few weeks of when we are supposed to leave the European Union without us having any clear plan for what that should look like. There is no clear consensus in Parliament, or indeed our country. When the history books are written, they will see the way that the Government have run things since the referendum as absolutely catastrophic. History will also write that, at this time, particularly yesterday, Parliament recognised the importance of reasserting its authority to try to ensure some sort of reason was brought to the chaos all around us.

How can a Government be held in contempt by the Parliament that they are supposed to control? That has never happened in our history. It is simply astonishing that that just seems to have been swept away. So I say with sorrow that we are in a situation now where as a Parliament we are looking to say what sort of future we want for our country and how we try to resolve this. Parliament is about trying to say that we need to re-establish and rebuild consensus. There will be a variety of views on how that is done but let us be clear: Parliament—virtually everyone who has spoken—has said that there is not a binary choice between what the Prime Minister has put before us and no deal. That is not the choice that faces all parts of the United Kingdom; it is a false choice. It does the Prime Minister—and, moreover, the country—no good at all to have that presented as the choice.

Parliament’s decision yesterday that we will not allow no deal should reassure the country, but it is unclear what happens after Tuesday if the deal, as we all expect, is voted down, as it should be. I for one will join my colleagues in happily marching through the Lobby to vote against the deal, in the belief that Parliament will ensure a better deal for all people of the United Kingdom as a result of our standing up and saying, “We will not be bullied by the Executive.”

So what does that actually mean? It may be that we have to extend article 50. It may be that we have to go back to the European Union. It may be that there will be a general election. It may even be that there will be a second referendum. All those things are unknown, but step by step and bit by bit, this Parliament will look at the facts and govern in the interests of the country. That is what is important, and that is why what happened yesterday was significant.

Let us also say in this debate that we can, as a Parliament, start to reassert some of the values that perhaps should have been spoken about more loudly during the referendum campaign. Let me start with immigration. I think immigration has been good for this country. I think it has benefited this country. That should be said loudly and clearly, time and again, because it is something that virtually every Member—sorry, I shall correct myself and say every Member—in this Parliament would agree with. Why do we not shout it out? Why do we not take on the bigots and the racists much more assertively? I say this about migration, not just immigration. There have been problems with migration, but migration overall has been good for this country as well. That is not to say that there are not problems with it, and of course those need to be dealt with, but as soon as we give ground on these things, into that space flows populism and all the anti-establishment rhetoric that we hear. That was a failure in the referendum campaign.

It does no good for the Government—the Executive—to pretend that this deal sorts anything out. If we do leave at the end of March 2019, what will be important is the fact that nothing is decided. My constituents and many constituents around the country thought—to be honest, until a few weeks ago I thought this as well—that, on leaving the European Union, large numbers of things would have been sorted out, such as trade and security. However, when I read the political declaration, not much has been decided, other than that we are going to leave—if that happens. What does the political declaration say about what happens after that? It says, “We will consider”, “Our aspiration is”, “We look to”, “We hope that”. My goodness me, Mr Speaker—is that what we are asking the British people to accept as a result of our withdrawal from the European Union?

I do not quite know where we will go, but I do know this: the fact that this Parliament has reasserted its authority means that we will be able to stand up, in
whatever way we feel is correct, in the interests of the British people and that we will put them first, whatever part of the United Kingdom we represent.

7.42 pm

Brendan O’Hara (Argyll and Bute) (SNP): It is an honour and, indeed, a challenge to follow the excellent contribution of the hon. Member for Gedling (Vernon Coaker).

It will surprise no one when I say that I, along with every one of my SNP colleagues, will vote against the Prime Minister’s withdrawal agreement when the House divides on Tuesday. I will vote against it because it is a very bad deal for Scotland, but also because it is a potentially catastrophic deal for the people of my constituency. What we in Argyll and Bute are being asked to do by the Prime Minister is to support a deal that by every analysis will make us poorer and that will put us at a competitive disadvantage to our near neighbours in Northern Ireland, just a few miles across the water from the Mull of Kintyre. It would be a dereliction of duty if I were to back the deal, because I would not be acting in the best interests of my constituents, my country or, indeed, the rest of the United Kingdom if I were to support a deal that I believe would be harmful to the social, economic and cultural wellbeing of the people of Argyll and Bute.

For the past two years, the Prime Minister has told us repeatedly that no deal is better than a bad deal. We were assured that there were no circumstances in which she would sign up to a bad deal, yet what we are being asked to vote for next week is exactly that: a bad deal—a very bad deal. Any deal that puts Scotland at a competitive disadvantage can only be a bad deal. Any deal that prevents us from attracting people from right across Europe to Argyll and Bute to live, work, invest or raise a family in order to reverse a decades-long stream of depopulation is a very bad deal. I commend and 100% endorse the remarks made last night by my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) when he said to the EU nationals who have chosen to make Scotland their home, “You are welcome.” We thank them for choosing to live in Scotland and welcome the contribution they make to our lives and our economy. Their presence enriches our culture.

That point was forcibly made to me last night by a constituent, Mr Graeme Lyon, who wants to know how the Prime Minister can justify causing such economic and social harm by ending the freedom of movement that has enriched everyone in this country. How could I possibly support an agreement that will have such disastrous consequences for our inshore fisheries fleet and our world-famous shellfish and fin-fish industries, that fails to protect our fragile west coast hill-farming sector, and that denies our vital tourism industry access to the continent-wide pool of labour it so desperately needs? I cannot and will not support the deal.

Of course, none of that should come as a surprise to the Prime Minister, because she came to Scotland last week to meet the people and to listen to their concerns—aye, right, so she did. Meeting and listening to the people of Scotland does not mean arriving at Glasgow airport at 3 o’clock and driving 12 minutes to a factory in Bridge of Weir, where a hand-picked group of journalists were waiting while the rest stood outside in the rain. It is not about firing out that old cliché about “our precious Union” before jumping back in the car for the 12-minute drive back to Glasgow airport to be in the back in the air and out the country by 6 o’clock that evening. That is nobody’s definition of meeting or listening to the people. In fact, it is an insult to the people of Scotland.

If the Prime Minister really wanted to hear the voice of Scotland, she should have a listen to the CNN report by Erin McLaughlin from Glasgow on the same day that the PM flew into Bridge of Weir. The report showed that the people of Scotland were insulted by the contempt shown by the Prime Minister and this sham of a PR stunt. It also showed that the people of Scotland do not want to be dragged out of the European Union against their will. Indeed, one young Glaswegian gentleman was so incensed that he, inadvertently perhaps, used a form of industrial language rarely heard on the streets of the “dear green place”.

The CNN report also showed that the people of Glasgow and of Scotland are moving from no to yes on the question of Scottish independence. This is not the future Scotland was promised back in 2014 when we were told that only by voting no in the independence referendum would we be able to retain our EU citizenship. No one was told when they voted no back in 2014 that not only would they be giving the green light to Scotland being dragged out of the European Union, but that Scotland would become poorer and that we would be put quite deliberately at a competitive disadvantage compared with other parts of the UK.

Another of the hollow promises made by those advocating a no vote in 2014 was that the Scottish Parliament would be the world’s most powerfully devolved Parliament. However, from that day to this, the Scottish Parliament has been ignored, sidelined and disregarded. Tonight, that Parliament rejected the Prime Minister’s withdrawal deal by 92 to 29. I wonder what cognisance this Government will take of the opinion of the world’s most powerfully devolved Parliament. I suspect we already know the answer to that, but I sincerely urge the Government to take it. Despite the Prime Minister’s bluster, this is not a take it or leave it situation.

This whole Brexit process has been an embarrassing fiasco. Over the past two years, we have heard about a hard Brexit, a soft Brexit, and a blind Brexit. Well, after yesterday we are now in the realms of a burst-bar Brexit. Regardless of how the fiasco is resolved, Scotland needs the full powers of an independent Parliament not just to stop and reverse this Brexit chaos, but to ensure that Scotland will never again be reduced to a passive bystander while things are done to it and for it by Governments and Prime Ministers whom the people of Scotland have overwhelmingly and consistently rejected.

7.49 pm

Darren Jones (Bristol North West) (Lab): It is a pleasure to follow the hon. Member for Argyll and Bute (Brendan O’Hara).

I rise as one of the Brexit generation of politicians elected to this place because of the causes and consequences of Brexit. I now find myself, as a Member of this House, faced with a divided Parliament and a divided country embroiled in a constitutional crisis not previously
seen in our history, and I am being asked to use my vote on behalf of my constituents to make this great country of ours poorer and weaker in the world. Understandably, in that context, many people look to us with bemusement, questioning our ability as elected politicians to lead and to serve.

Regardless of whether one voted to leave or stay in the European Union, we do not have what we were promised. The Prime Minister’s proposals are worse than our current position, and they mean that Brexit will dominate the political agenda for many years to come. Leave voters were promised £350 million a week for the NHS. Instead, we have European doctors and nurses leaving us and Government risk assessments resulting in the stockpiling of medicines. Leave voters were promised that the UK could go it alone, with new trade deals until 2021 at the earliest.

Leave voters were promised that we would take back control of our laws. Instead, the Prime Minister’s proposals lock us into European regulations without the UK having a meaningful say. Unsurprisingly, this confirms that we have more power and more influence as a member of the European Union. We do not have what we were promised. Our current position is far better, and we will be locked into a debate on Brexit for the next decade.

Britain is a powerful nation. We are one of the largest and most sophisticated economies in the world, and we should be proud of our status and of the benefits it brings to the British people. In contrast, the Prime Minister’s proposals are a humiliation.

The majority of my constituents in Bristol North West voted to remain and, based on my extensive engagement with them, I know they continue to want to do so. Whether for advanced manufacturing jobs in aerospace and automotive industry across north Bristol, for NHS jobs at Southmead Hospital, for research jobs at our two universities or for warehousing and logistics jobs reliant on import and export in and around the port at Avonmouth, our current position as a member of the European Union is far stronger than any other option on the table.

I did not stand to be the Member of Parliament for my home constituency, where I was born and raised, only to come here to vote to make my constituents poorer. Whether I am an MP for a short time or for a long time, as a millennial and as the father of a daughter who turns one today, I will be left to deal with the mess left behind by this incompetent Government long after they leave the Treasury Bench.

In the face of the inevitable rejection of the Prime Minister’s proposals, I support the call for a people’s vote. All of us, regardless of whether we voted to stay or to leave, now know what leaving the EU means. I did not know when I voted to remain, and nor did people who voted to leave. New facts have emerged. It is not patronising to say to people that they have the right to change their mind now they know what leaving the EU means—a basis for the rules on which we leave and a wish list for the future. It is not undemocratic to provide more democracy by going back to the people. It is the right and the moral thing to do. Unsurprisingly, I have the final say on whether we leave on the Prime Minister’s proposed basis or stay in the European Union.

Securing a people’s vote is not the end, regardless of whether the outcome is to leave or stay. We now know loud and clear that the country is divided, driven apart by an increasing gap between the haves and the have-nots, between the cities and the towns, between the south and the north, between the old and the young and between the rich and the poor and struggling, characterised by differences in access to education, in the ability to rent or own a secure home, in the reliance on struggling public services and in the despair that comes from flatlining wages and a fear that our children are being raised in a country in decline.

Leaving the European Union will not fix these woes, and neither will remaining, unless we reform both the EU and Britain. As politicians, it is our job to step up to meet that cry for change and put forward a radical programme of reforms that shows we can be on the up once again. As politicians, we must not pander to the politics of the easy answer, as we have seen in this Brexit campaign. Instead we must be honest about the significant challenges facing our country in a fast-changing world.

We must embrace the opportunity and the power of patriotism to drive our great nation forward, and discard the destructive desire of national populism to secure power for power’s sake.

This country of ours feels as though it is coming to the end of its current chapter. In a proudly sovereign Parliament, at the centre of a strong and successful United Kingdom, we have a choice to make about what comes next. We are a proud, sovereign Parliament, with our sovereignty derived from the British people, which gives us the right to go back to them to check and ask for further instruction. I truly hope that from the ashes of Brexit, whatever that will mean, we choose a future of hope and possibility, anchored in the reality of the world that we find ourselves in, and not another chapter of self-inflicted, populist decline.

7.56 pm

Matt Rodda (Reading East) (Lab): I am grateful for the opportunity to speak in this important debate and it is a pleasure to follow my hon. Friend the Member for Bristol North West (Darren Jones). Like other hon. Members here tonight, I am very concerned about the Government’s proposals, and the serious implications for our country and for the local community in my constituency. The negotiations have produced a deeply flawed draft agreement, and I am very concerned about how our relationship with other European countries could develop. I firmly believe the proposals are against the national interest, and could damage our economy and harm local communities across this country.

Other Members have made clear and telling points about the weakness of the UK’s position should these proposals be agreed. I want to associate myself with the speech of my right hon. Friend the Member for Hackney North and Stoke Newington (Ms Abbott), and I commend the speeches made by the hon. Member for East Surrey (Mr Gyimah) and my hon. Friend the Member for Gedling (Vernon Coaker). I do not accept the Government’s assertion that we either have to accept the proposed deal or have no deal, and I am pressing for a much clearer and more sensible relationship with the EU. The United Kingdom would simply be in a dreadful position if it were to sign up to the Government’s Brexit deal, yet, they are still seeking to foist this deal on our
country. That cannot be right, which is why I will vote against the deal, and I urge other Members here tonight to do the same.

I turn now to the substance of today’s debate, as I want to speak about the serious impact of the Government’s proposals on my constituency, particularly with regard to immigration. Families are suffering real stress and hardship because of the Government’s policy. Thousands of local residents are from the EU and many families in our area include both British and EU citizens. Imagine the worry and the stress they have suffered during the past two years and let us consider what they are suffering now. The Government’s failed negotiation and lack of a plan for the future have led to families facing enormous uncertainty. Ministers have refused to accept Labour’s alternative, which would offer clarity and certainty to both EU residents in the UK and British citizens in Europe, who are sometimes forgotten.

Businesses and public services also need clarity and certainty, and they have been badly let down by the Government. My constituents in Reading and Woodley are at risk of being badly affected by a shortage of skilled workers caused by the failure of this Government’s policies. The risk to our NHS, in particular, is clear. GPs, our hospital and other services are already under severe pressure: they face increased demand from a growing and ageing population, insufficient funding and the additional problems of high housing costs, which make it harder for medical staff to afford to live in our area. Our local NHS is particularly vulnerable to a loss of staff from the EU, as a large number of EU citizens work in the local health service. EU staff make up just 5% of the total NHS workforce, but the proportion is much higher in my constituency: as many as 12.8% of employees at the Royal Berkshire Hospital are from the EU—two and a half times the proportion in the NHS as a whole.

The deal also risks inflicting serious damage on our local economy. As many may know, Reading is home to a number of IT and telecoms businesses. These international firms are major employers that create a significant benefit to our local economy and, indeed, to the wider area across the south of England and west London. Many have their Europe, middle east and Africa head offices in the Thames valley, and they are there partly because of the access to the EU and the wider pool of skilled staff. Many of these businesses hire skilled staff from the EU precisely because the two-tier visa system for non-EU staff is too expensive and complicated to navigate. There are real concerns that if they cannot bring teams together quickly because of immigration rules or cannot move staff immediately because of visa requirements, there is a serious risk that businesses could away from the UK.

Reading is also home to a number of tech start-ups. These small and medium-sized enterprises drive innovation and add immense value to the local and national economy. Many such small companies are run or were started by EU nationals, as well as by UK nationals. They may well have come to our area precisely because of that international outlook. They contribute their knowledge, entrepreneurship and hard work, and they are deeply concerned about the uncertainty over Brexit, which exposes their businesses to significant and unnecessary risk. Yet despite all the evidence from my area and throughout the country, the Government have quite simply failed to set out sensible plans for immigration.

The Home Secretary told the Home Affairs Committee that the White Paper on immigration would be published in December. We heard Members asking earlier which December that would be. He now says that it will be published “soon” and that it is “unlikely” that Members will see it before the meaningful vote next week. On top of that, the political declaration includes less than a page on the future immigration policy. It commits the Government to ending free movement but fails to include a plan for what will replace it. The Government have quite simply failed to deliver on their promises on immigration. They have failed on immigration, just as they have failed to deliver a Brexit deal that protects jobs, workplace rights and frictionless trade for UK businesses. This simply is not acceptable. Members from all parties have a right to know what the new immigration system will look like before we cast our votes next week.

I have never accepted that it is a choice between the Prime Minister’s failed deal and no deal. No Government have the right to plunge the country into chaos as a result of their own failure.

8.2 pm

Ruth Cadbury (Brentford and Isleworth) (Lab): It is a pleasure to follow my hon. Friend the Member for Reading East (Matt Rodda), who spoke so eloquently about the fears and worries of his constituents. Many of my constituents have told me of the same challenges and fears that they will face if Brexit goes ahead.

I campaigned to remain in the EU and my constituency voted to remain. I voted against triggering article 50, because I felt that there was so much work to be done to establish exactly what Brexit would mean to this country, knowing that the promises given to leave voters were untruths and, as we well know, are undeliverable. There was no mention by leave campaigners of the conflict between Brexit and retaining the Good Friday agreement, and there was nothing about the impact of leaving the EU on our rights at work or on environmental and consumer standards. Nor was there anything about the impact of losing the significant benefits from the UK’s full membership of and influence in bodies such as the European Medicines Agency, the European Aviation Safety Agency and so many more.

Twenty-eight months later, we have got no further than documents containing broad principles with massive gaps. It is not a deal, just a framework. I will not vote for such a pile of vagueness, and I certainly will not vote for no deal, either.

The lack of the long-awaited immigration white paper is just one of many legislative gaps among the issues on which we are expected to vote next Tuesday. EU migrants are integral members of our society and are vital to our economy. For those here now and for those who may wish to come to the UK in future, the Prime Minister’s deal offers nothing concrete on which they can plan their future lives. Thousands of my constituents are citizens of other EU countries. They work as carers and construction workers; they work for the NHS, and for the massive hospitality sector and many other bodies across both the public and the private sectors.
This morning, I met my constituent, Anette, a German national, who has been here for 30 years. She is not only married to a UK national, but a mother of UK nationals. She is apoplectic about being accused of jumping the queue, especially given what she has contributed to the UK not only in taxes, as a higher rate taxpayer, but as someone who has spent her professional working life in teams of highly skilled nationals of many EU countries, improving services, providing millions of pounds of benefits and international prestige to our public and private sectors.

What about those whose future plans are based on freedom of movement? There are many reasons why young people voted so strongly for remain, and they include the freedom to work, study, live and love anywhere in Europe. For young people, whether or not they choose to travel, remaining in the EU is the key to prosperity in their future. Given the rising costs and lower wages that my children’s generation already face, I am not prepared to commit their future to the recession that the Government’s own analysis clearly predicts. Furthermore, if another referendum were held now, another 1.8 million young people—and that is the figure as of today—have now reached voting age and they want a say in their future. I have no doubt that they will follow the voting preference of the 18-year-olds in June 2016.

On the economy and jobs, there is not a business or a sector that will not be worse off if the UK leaves the EU, and at least the Government now have the grace to accept that. Many of my constituents work in the broadcasting and audio-visual sector across west London. The UK is Europe’s leading international broadcasting hub, home to more cross-border channels than any other EU country. West London has grown as a hub for international broadcasting, taking advantage not only of the skills base, but of the unique range of languages spoken in London, which has come about partly through the EU’s freedom of movement.

The EU is setting up a digital single market because of the importance of frictionless movement, trade and similar regulations, but the country of origin rule means that, to broadcast into EU countries, a broadcaster needs to be based in an EU country. Brexit means that the growth in the sector will be killed stone dead and that the UK’s competitive edge will be lost. Companies such as Discovery, which is based in my constituency, have already announced plans to leave the UK. They cannot wait for the uncertainty of the next two years, and, like other companies, are gradually moving investment, and staff. There is nothing in either the withdrawal agreement or the political declaration to give any comfort to this major and growing sector and, as other Members have said in this Chamber yesterday and today and will continue to say over the next few days, the same is true for many other sectors, which are important to all our constituents.

What was promised in 2016 by the leave campaign cannot be delivered, and even Cabinet Ministers now admit that. This deal is much, much worse than the deal that we already have, which is in the EU as a full voting and influential member of all the many European arrangements and organisations that make for stability, and with the benefit of being a full player in the largest economic bloc in the world. With no majority in this House for the Prime Minister’s deal, or for no deal, the only option is to put the vote back to the people with all the implications of each option clearly set out.

8.28 pm

Alex Sobel (Leeds North West) (Lab/Co-op): Although I have spoken in more than 100 debates since I entered this House, none has been as important as this one, which will guide the future of this country for generations to come.

Many hon. Members have covered the security implications, but it is worth reflecting on the fact that the agreement makes no mention of Europol and says that the UK would be locked out of EU tools, including the Schengen Information System, European Arrest Warrant and the European Criminal Records Information System when the transition period ends.

The Police Federation, which represents 120,000 rank-and-file officers, said it has “no idea what the policing landscape will look like post 29 March 2019.”

This in and of itself is enough to reject the agreement as presented to us.

The Prime Minister’s deal merely pushes back decisions into the transition and does not even answer what sort of Brexit we will get, and the security arrangements are merely the tip of a Titanic iceberg.

After the Prime Minister gave her statement to the House on 22 November, she said that the post-transition options for the future relationship with the EU were a spectrum. I asked the Prime Minister what her spectrum was and her response was, “there is a balance between checks and controls and the acceptance of rules and regulations.”

Are any of us any clear on the Prime Minister’s spectrum? No, I can see that we are not.

I believe we have five basic options: a no-deal Brexit; the Prime Minister’s withdrawal agreement; a renegotiation of the withdrawal deal; membership of the European Free Trade Association and the customs union, or the so-called Norway-plus arrangement; and remaining in the EU.

Everyone understands no deal, in that we leave over 70 international trade deals and the all-Ireland electricity market ceases, with the potential to completely disrupt Northern Ireland’s power supply. The chaos around customs checks puts all goods coming into the country at risk, including food, medicines, fuel and machine parts. The Government’s technical notices make for grim reading, but after passing the amendment of the right hon. and learned Member for Beaconsfield (Mr Grieve)—my former MP, in fact—last night, we are on the road to asserting the will of the House and avoiding a no-deal Brexit.

The Prime Minister’s deal means no immediate cliff edge. Instead, we would leave the EU and move into a transition period of at least 21 months where we would stay within and would need to update all EU rights and regulations. But what then? Well, the Prime Minister’s non-answer tells us all we need to know. The Government would negotiate a free trade deal that is “a balance between checks and controls and the acceptance of rules and regulations.”—[Official Report, 22 November 2018; Vol. 649, c. 1131.]

Considering this is all the Government have managed in the last 20 months, I cannot write them a blank cheque. It might not even be a cheque made out to the current
Prime Minister, so I cannot and will not support the EU withdrawal agreement when it comes before Parliament next Tuesday.

I have consistently said that I cannot support any option that does not protect jobs by preserving tariff-free, barrier-free, frictionless trade with the rest of Europe. Any option should retain current employment and consumer rights and environmental standards, and at least keep pace with Europe in the future. There should also be no hard border between Ireland and Northern Ireland, Gibraltar and Spain, and our sovereign territory on Cyprus and the Republic of Cyprus. Let us remember that the single market accounts for 25% of global GDP and represents Britain’s biggest trading partner. I believe that the single market accounts for 25% of global GDP and represents Britain’s biggest trading partner.

Yesterday we saw the Government lose three votes including, historically, on the contempt motion. The confidence is visibly draining from the Government, whose majority has always been built on a billion promises. If the Prime Minister cannot pass this “take it or leave it” deal, this House will call time on her. There is an opportunity for another Government to negotiate a deal built on adopting higher regulatory, environmental and labour standards. If we have higher standards and regulatory alignment, our deal will look totally different from the second-rate agreement that we have been asked to vote on.

For us to enjoy the same access rights and benefits of the European single market without having to negotiate a whole new treaty, we could apply for membership of the European Free Trade Association and be part of the European economic area. This could be completed in a fairly short space of time. However, there is no customs union for EFTA members. If we wanted seamless trade and no tariffs for goods originating outside the UK but being sold into the EU, we would need a new customs union. Given that it is not possible to be both in EFTA and the customs union, we would secure a derogation from the EFTA convention in order to facilitate the new EU-UK customs union. This honours the question in the referendum, which simply said:

“Should the United Kingdom remain a member of the European Union or leave the European Union?”

Well, we will not be a member of the European Union if we are a member of EFTA.

Finally, we could simply remain in the EU. Consider all that we have learnt since 24 June 2016. We have learnt that negotiating a deal that is better than the one we have now is effectively impossible; that the queue of countries in Whitehall to ask for trade deals has been oddly missing; and that Vote Leave broke electoral law, overspending by hundreds of thousands of pounds, with Cambridge Analytica employees admitting they used illegal data harvesting techniques. Considering all that, should not people be given the chance to think again?

If there was another vote on whether to stay or leave, I would vote to remain, just as I did in 2016, because there is no better deal for the United Kingdom. I will vote to reject this agreement. If there is an opportunity to vote to renegotiate, join EFTA or have another vote on EU membership in the parliamentary procedures that we are going to undertake after we inevitably vote down the Prime Minister’s withdrawal agreement, I will vote for any and all of these. I will not vote for the Prime Minister’s blank cheque withdrawal agreement, and I will oppose a no-deal Brexit with every fibre of my being.

8.13 pm
Siobhain McDonagh (Mitcham and Morden) (Lab): During the referendum, I was a reluctant remainer. I appreciated that our relationship with the EU was not perfect. I acknowledged that many of us would like to see changes. Like so many people, I felt that the EU was often a remote and arrogant bureaucracy.

But there is no doubt in my mind that the deal brought back by the Prime Minister is not what was promised to those who voted to leave. It means not taking back sovereignty but giving more of it away, desperately accepting rules that we have no control over in order to cling on to access to our largest trading partner for goods, and to keep our countries together, while completely ignoring services, which make up 80% of our capital’s economy. Why should someone in Liverpool, Newcastle or Sunderland care about London’s economy? Because right now, London and the south-east are the only regions that generate more taxes than they spend, so if London gets hit, so do the hospitals, schools and services of our other great cities. Perhaps it should not be that way, but it is.

The idea that we can make ourselves smaller as globalisation becomes faster and stronger, while comforting, is unlikely to be successful. As a block of 28 nation states standing together against the likes of Google, Facebook and Amazon, we are a far more effective bulwark against the worst excesses of these amazing global companies who can have extraordinarily negative impacts on some of the most vulnerable towns and people. I have been amazed by the politicians and commentators who blithely suggest that our economy taking a hit would be a price worth paying. We all know that the people who get hit first are always the poorest. I do not believe that anybody voted to make us poorer. I do not believe that anybody voted for us to debate for two and a half years and choose a worse deal than the one that we currently have, and I certainly do not believe that anybody voted to see our country opt for a monumental act of self-harm.

We have thousands of people sleeping rough on our streets—the number is higher now than at any point under this Government. We have over 130,000 children who will wake up trapped in unsuitable temporary accommodation on Christmas morning. At my local A&E, we already have patients queuing out of the door, indicating that last year’s winter crisis will be but a preface to the problems that lie ahead this year. Yet, meanwhile, here we are still debating the level of uncertainty and destruction that we should plunge our economy and our country into. Take the plans to reopen the Wilson Hospital in my constituency, halted after the funders pulled out due to Brexit’s economic uncertainty. Why would we choose to give ourselves self-inflicted wounds costing billions of pounds when we still have the chance to say no?

So what is the alternative? Looking back to 2016, I know so much more about the impact of leaving the European Union than I did then. I suspect that is true for all of us. We gave the responsibility for deciding on
whether we should leave the EU to the people of this country, and now we know the terms of the deal on the table, those same people deserve to have their say. Now that the practical consequences of Brexit are there for all to see, almost two thirds of my constituents support a vote on the deal. The costs and complexities are clearer now than at any stage during the referendum, and it is evident that there is no majority in Parliament for this deal, because the one thing that unites both sides of the debate is that nobody voted for the deal that is on the table. Parliament is in gridlock, but there is a clear solution: let the people decide.

8.18 pm

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): I like to think, Mr Speaker, that you have been employing the Emery effect tonight by keeping me on the bench so that I can come on and make a late impact. Thank you for that.

It is not often that I see one of the Scots Tories speaking and think of an American President, but I did tonight, as I was reminded during the rather tortured contribution by the hon. Member for Berwickshire, Roxburgh and Selkirk (John Lamont), who is no longer in his place, of the quote by George Bush, who said:

“I have my opinions, strong opinions, but I don’t always agree with them.”

I think I am justified in saying that it would be right to be greatly concerned by the deal that is on offer. It is a democratic outrage that Scotland is being dragged out of the EU against the people’s vote in Scotland, where 62% of people, in all 32 local authority areas, voted to remain. As we have heard, all the parties in the Scottish Parliament, with the exception of the Tories, voted 92 to 29 tonight to reject the deal on offer.

I am greatly concerned by what my hon. Friend the Member for Dundee East (Stewart Hosie) described as “economic illiteracy”. He pointed out that this is already costing £600 per person per year. Scottish Government analysis shows that the deal will make Scotland £9 billion worse off by 2030. That is £1,600 per person per year. Even the Chancellor has admitted that that will make our economy smaller.

I am right to be concerned by those things, but the thing that worries me most is what we are becoming and, as we have heard from many Members tonight, the message that is sent out about what we feel about people in other countries. I have had the great honour of performing an unpaid role as honorary consul to Romania since 2011, both unofficially and officially. The Romanians who come to work in the highlands and islands are fantastic people. They have all made a genuine contribution to our communities and have slotted in as friends and neighbours and are part of the fabric of our communities. I can say the same for the Poles, the French, the Germans, and all the EU nationals who have contributed to the highland economy.

Brexit does not only have consequences for business, the economy and communities. It affects each of us as individuals and our very identities. The Scottish Government’s national outcomes state:

“Scotland’s national and cultural identity is defined by our sense of place, sense of history and sense of self. It is defined by what it means to be Scottish; to live in a modern Scotland; to have an affinity to Scotland; and to be able to participate in Scottish society. A flourishing economy and society depend on ambition and self-confidence in Scotland and on Scotland’s effective integration into the European and global economy. Our international reputation will influence the extent to which people see Scotland as a great place in which to live, learn, visit, work, do business and invest. A good quality of life and a strong, fair and inclusive national identity are important if Scotland is to prosper and if we are to achieve sustainable economic growth.”

That is the kind of Scotland I want to live in.

Our European identity and shared EU values are at the heart of this. Despite the overwhelming vote to remain in Scotland, European Scots face not only the economic and social impacts of Brexit, but they face losing their European identity. There was a nice piece in the Sunday Herald in 2016 that said:

“Scotland has been an outward looking European nation since the late middle ages. From the 16th century, Scots merchants, academics and soldiers spread far and wide in the continent establishing communities in countries like Poland, Sweden and the Low Countries.”

Our bond and connection with European nations is deep, strong and long-lasting.

In the highlands, we have long had a problem with emigration, not immigration. Our deepened relationship with the EU has presented an opportunity for us to welcome EU nationals to our region, a great many of whom have settled in the area and contributed to our economy. The UK Government’s obsession with unrealistic and counterproductive one-size-fits-all net migration targets overlooks the incredible value of migrant people to our isles and the different economic needs of the highlands and islands, as well as those of Scotland as a whole. Over the next 10 years, 90% of Scotland’s population growth is projected to come from migration, which is especially vital for the highlands.

I do not have as much time as I would like to explain in depth the importance of EU nationals to the highland economy and of our people who go across to other EU nations to live, work and contribute. It is, quite simply, the fabric of what we do, and this deal or any no-deal scenario that might be proffered by the Prime Minister will do nothing—absolutely nothing—for the people of Scotland, wherever they have come from. I will be absolutely proud to be with my colleagues in voting down such a deal when it comes before this House. I will say, finally, that the actions of this UK Government in, once again, ignoring Scotland, ignoring its people and ignoring its Parliament only make the case for the independence of Scotland much stronger.

8.25 pm

Bambos Charalambous (Enfield, Southgate) (Lab): One of the saddest things to have come out of the Brexit referendum vote on 23 June 2016 has been the rise in racism, and the fear and uncertainty felt by EU citizens living in the UK and also by those from non-EU countries living here. I have heard from my constituents in Enfield, Southgate who are EU nationals, married to UK citizens, working in UK institutions, paying taxes in the UK and making a positive contribution to our society that they are now seriously worried about their future, fearing that their family will be torn apart by the confusion caused by the Government’s position on EU citizens living and working in the UK.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Does my hon. Friend agree that this is also having a huge impact on children? I recently met such children at...
Bambos Charalambous: My hon. Friend makes an excellent point. That is something I have noticed from speaking to children—I am a governor of two schools—and that factor has also been raised with me.

Although the Government’s proposed settlement scheme may help some of my EU constituents living in Enfield, Southgate, the withdrawal agreement does not guarantee that the rights of EU citizens living in the UK and of UK citizens living in EU countries will be protected. If my previous and current experience of the Home Office is anything to go by, I have no confidence that the Home Office will be able to cope with the 5 million or so settled status applications that it will have to process. The Home Office is struggling even to cope with some of the Windrush claims, so how it will cope with settled status applications is anyone’s guess.

It is a shame that the Government have not produced their immigration White Paper yet. We are being asked to approve this deal blindly, when immigration was one of the reasons why people voted to leave. The truth is that for years the Government have been trying to show that they are tough on immigration. However, rather than have an honest debate about it, they have decided, just to look good, to kowtow to every knee-jerk reaction to every negative news story about immigration.

The latest net migration statistics, out last week, show that the number of EU migrants coming to the UK was 74,000, whereas the number of non-EU migrants was 248,000. It seems that the Government have been unable to control migration since they promised to do so when they came into power in 2010.

We need a sensible debate about migration to this country. This country needs migrants. On 1 January 2018, the UK was ranked 153rd in the world for percentage population growth, with a rate of just 0.52%. Considering that we are all living longer and that population growth in the UK is stagnating, we need migrants to keep the NHS running, work in our care industry, work in the hospitality sector, collect the crops and package the produce from our farms.

We live in a global world where collaboration is part of everyday working life. In May, I visited the Institute of Cancer Research, where I met scientists, researchers and doctors from all over the world who are all working together to help develop a cure for different types of cancer, trying to discover the relationship between lifestyle choices and causes, and looking at genetic cell mutations and how they can be prevented. All this collaboration is done for our benefit, and the idea that barriers would be put up to restrict this good work is just madness.

Collaboration on a global level takes place in virtually every sector, whether it is finance, advertising, creative industries, the music sector or even the creative industries. Many orchestras, artists and performers work with international colleagues, and they need to be able to do so if they are to ensure that we have the very best cultural enrichment and that it is shared across the world.

My parents were immigrants. They came to the UK from Cyprus in the 1960s. They worked hard and made a positive contribution. A significant number of hon. Members who have a claim to immigrant heritage have similar stories to tell. We should celebrate the contribution of immigrants to UK life. It makes us all the richer, as I have outlined above.

I have heard stories of non-UK workers being picked up in vans on street corners to go to work on building sites and being paid a fraction of the minimum wage, thus undercutting what UK workers would be paid. Let us go after those using such sharp employment practices, and make sure that no one can be paid less than the minimum wage, and that people’s employment rights and health and safety at work are protected.

The Prime Minister described the withdrawal agreement as taking back control of our borders. Well, the current immigration figures show that nothing of the sort is happening right now. The Prime Minister also said that the UK’s immigration policy will be based on the skills and talents that someone has to offer. That fails to take account of the EU workers who provide seasonal unskilled labour in the agriculture and hospitality sectors, to name but two. Worse, we have yet to see the draft immigration White Paper. The withdrawal agreement makes us worse off. It is not good for jobs and the economy. I will vote to reject the deal on Tuesday.

8.30 pm

Emily Thornberry (Islington South and Finsbury) (Lab): This has been an excellent debate covering a range of vital and urgent issues. I am not going to repeat the many compelling points made by the shadow Home Secretary, my right hon. Friend the Member for Hackney North and Stoke Newington (Ms Abbott) in her speech. I cannot do justice to all the other 48 contributions that have been made, some of which I missed. I am told, however, that there was a typically brilliant speech by my hon. Friend the Member for Caerphilly (Wayne David).

In the time I have available, let me highlight those contributions which I believe best sum up why the Prime Minister’s proposed Brexit deal would leave us less secure as a country and would not deliver the fair rules for migration that we need—two out of Labour’s six tests failed in one debate. As my right hon. Friend the Member for Norman, Pontefract and Castleford (Yvette Cooper), the Chair of the Home Affairs Committee, said, we are being asked to make this decision without even seeing the immigration White Paper we were promised. We therefore have no detailed idea of what the new migration rules will say or how they will work in practice. She also said that we are being asked to support a political agreement that is entirely silent on our future access to the SIS II database and will leave our police and security services less well able to protect the public than they are at present. As the former universities Minister, the hon. Member for East Surrey (Mr Gyimah), pointed out, if we are being cut out of the Galileo database even while the agreement is being discussed, what hope do we have of negotiating access to other vital databases once the agreement has been signed?

We also heard an important contribution from my hon. Friend the Member for Newcastle-under-Lyme (Paul Farrelly), who talked about his German lessons at school and the lessons from history that show that our place in the world is not strengthened but diminished when we cut ourselves off from Europe—a point also made by my hon. Friend the Member for Ealing, Southall
We were reminded by my hon. Friend the Member for Cardiff North (Anna McMorrin) not just that EU co-operation and networks help to keep our country safe from crime and terrorism, but that the Prime Minister personally fought to keep our part in them when she was Home Secretary. Now, however, she cannot guarantee that they will continue. My hon. Friends the Members for Cardiff North and for Hornsey and Wood Green (Catherine West) both rightly said—I agree with them—that far from helping to maintain Europe’s leadership on climate change, this political agreement cannot even guarantee that we will continue to agree a common position in future international negotiations. Indeed, let us note that it used to be one of the warnings against a no-deal Brexit that Britain could lose access to the EU emissions trading scheme. However, even this supposed deal does not guarantee that continued access, and says only that the parties should “consider” co-operation—just one of many foreign policy sections of the document where clear, existing agreements on co-operation have been replaced by vague, loose aspirations.

What this debate and all the many contributions have laid bare is that on the first duty of every Government—the duty to protect the safety and security of their citizens—the Prime Minister’s deal fails. I hope that when the Foreign Secretary speaks in a moment, he will address the points that I have mentioned: access to vital security databases—

John Redwood: Will the right hon. Lady give way?

Emily Thornberry: No, I have been asked not to take interventions at this stage of the evening.

The Minister for Europe and the Americas (Sir Alan Duncan): By whom?

Emily Thornberry: We have had an opportunity over the last eight hours for everyone to have— [Interruption.] Mr Duncan, please calm down. I have been asked not to take interventions at this stage and I am not going to—

Sir Alan Duncan: By whom?

Emily Thornberry: When the right hon. Gentleman has had a chance to calm down, perhaps I can continue. What this debate and all the many contributions have laid bare is that on the first duty of every Government—the duty to protect the safety and security of their citizens—the Prime Minister’s deal fails. I hope that when the Foreign Secretary speaks in a moment, he will address those points that I have mentioned: access to vital security databases; our future international co-operation with the EU; our ability to tackle terrorism and organised crime; our place in the world; our shared fight against climate change; and even the future of our NHS.

I hope that the right hon. Gentleman will answer one other very specific question that goes to the heart of his responsibilities as Foreign Secretary. He was proud to announce yesterday the new embassy that his Department is opening in the Maldives, one of 12 new posts due to be opened by the Government over the next two years. However, even after those new openings, there will still be 16 other countries around the world where Britain has no direct consular representation but where other EU countries do. These countries have a combined population of 72 million people, spread across Asia, Latin America and Africa, including 10 past and present members of the UN Security Council. These are countries where up until this point, thanks to the common foreign and security policy, any British citizen visiting, working or living there who found themselves in difficulty and could not look to a British embassy for help had the right to go to other EU embassies based there and ask for consular support.

My hon. Friend the Member for Bishop Auckland (Helen Goodman) asked the Government last week what provision was being made in the Prime Minister’s proposed deal to continue those arrangements after we leave the EU. The answer was none. In fact, it is worse than that—the answer was that British citizens who are arrested in those countries or who are affected by a hurricane or an earthquake could no longer ask the French or Spanish embassies to help, but they could “phone the Foreign Office switchboard.” If we needed any more evidence of how half-baked, hurried through and totally botched the Prime Minister’s deal is and how reliant it is on vague future aspirations of co-operation, it is the fact that the Government have not even bothered to think about what it means for British citizens being left without consular support in dangerous situations. It is the very definition of making the British people, whom it is our first duty to protect, less safe and less secure.

That is not the only loss of security that I hope the Foreign Secretary will address in his closing speech. If the first duty of the Government is to protect the physical security of their citizens, their second duty is surely to protect the economic security of the nation, which was a point well made by my hon. Friend the Member for Coventry South (Mr Cunningham). What we have learned with this Foreign Secretary is that he is very willing, quite often, to say one thing about the economic impact of Brexit behind the closed doors of Downing Street and another when he is in the television studios or standing at the Dispatch Box. When he is trying to sell this deal to Parliament tonight, I hope that he will clear up some of the disparities between what he says publicly and what he says privately.

I have three questions for him to that end. In the television studios, he says that this is the best deal for Britain and we can look forward to a glorious era, where

“we become an independent sovereign power, negotiating our own trade deals”

around the world. Around the Cabinet table, presumably informed by the Attorney General’s advice, he says the opposite—that this deal will leave us in what he calls a “Turkey trap”, stuck in an exclusive trading agreement with the EU, but unable to influence any of its decisions and unable to negotiate our own deals. Will he tell us tonight what he really thinks?

Secondly, in the television studios, when asked to talk about the backstop, the Foreign Secretary says it simply will not happen. He says:

“Britain will be an independent nation…it is in black and white. That is the intention of the EU.”
But round the Cabinet table, he says the opposite. The backstop will become a “frontstop”, he says. “As soon as the deal is signed,” he says, “the EU will have what they want”. “They will block any progress,” he says, “on the final new trading agreement, and will turn the backstop into the only available outcome.” Will he tell us tonight what he really thinks?

Thirdly and finally, in the television studios, the Foreign Secretary says:

“We will not be significantly worse off” as a result of the Prime Minister’s deal, but did he not use to say the exact opposite around the Cabinet table, especially about the impact on the NHS, when he warned of the need to avoid a hard Brexit?

I hate to say it, but I have to agree with the Chief Secretary to the Treasury’s remarks over lunch on Monday. She said that the Foreign Secretary was “so charming” but that there was “no consistency”, and she was absolutely right. Even more damning, however, was her explanation for the inconsistency. Excuse me, Mr Speaker, for using the Foreign Secretary’s name, but I am quoting his Cabinet colleague. “Hunt”, she says, “is all about the game-playing”. Doesn’t that sum it all up?

We have a Tory Cabinet obsessed with their own internal power games and fighting like ferrets in a sack to succeed their lame duck leader, with a Foreign Secretary who, according to his own Cabinet colleague and the evidence of this debate, has been more interested in playing leadership games than in making sure that this political agreement can maintain our future foreign policy co-operation with the EU and protect the security of British citizens, whether at home or abroad. That is the kind of Front Bench we see before us today. In the light of their complete failure of leadership and their total—[Interruption.]—

Mr Speaker: Order. No, it’s not boring to me. Sir Alan, you are normally a figure of dignity in one way or another. You are a little over-excitable. Calm yourself. You really need to get a grip. You are not only a knight, but a KCMG and a figure of enormous celebrity in the life of the nation. I know that you do not underestimate all that, so a tad of dignity would be greatly appreciated.

Emily Thornberry: That is the kind of Front Bench we see before us, and in the light of their complete failure of leadership and their total failure to deliver a new set of fair rules on immigration and to protect our country’s security, it is absolutely no wonder that this House is only a week away from rejecting their dismal Brexit deal and already holds this dismal Government in total and utter contempt. 8.43 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): I have seen off four shadow Health Secretaries and several shadow Culture Secretaries in my time, but I have to say that tonight, when I was called charming by the shadow Foreign Secretary, I nearly blushed. I thank her for the compliment, and I will assume that she could not possibly have meant the other less gracious things she said about me. I thank her for this one happy moment in my Dispatch Box career.

We have had a good debate today on the implications of the Brexit deal. I thank all hon. Members for their contributions. Unfortunately, I did not hear the contribution from my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (John Lamont), but I heard that he made a particularly thoughtful speech about the dilemmas in everyone’s mind and the conflicts of loyalty—to party, to Government, to country and, particularly, to voters who voted to leave the EU. We should not pretend that this is an easy decision for anyone.

I commend hon. Members in all parts of the House who emphasised the obligation that collectively rests upon all of us to fulfil the mandate of the referendum and take Britain out of the EU. I cannot mention every Member who spoke this afternoon, but I do want to mention my right hon. Friend the Member for Wokingham (John Redwood) and my hon. Friends the Members for Ribble Valley (Mr Evans), for Carlisle (John Stevenson), for Newton Abbot (Anne Marie Morris), for St Austell and Newquay (Steve Double), for Poole (Sir Robert Syms) and for East Worthing and Shoreham (Tim Loughton), all of whom spoke with passion about how those who voted to leave the EU deserved respect for their views rather than indignation. My hon. Friend the Member for Ribble Valley spoke with particular passion about leave voters who felt that no one was listening to them. He said that if Parliament decided not to listen to them, that would be wholly dangerous.

Those sentiments were expressed not just by Conservative Members but by the hon. Member for Blyth Valley (Mr Campbell), the right hon. Member for Knowsley (Mr Howarth) and the hon. Member for Newcastle-under-Lyme (Paul Farrelly), who reminded us that their constituents voted by clear margins to leave the EU. There was common ground even with the right hon. Member for Hackney North and Stoke Newington (Ms Abbott)—I do not always say that—who said that we must honour and respect the referendum result. Let me emphasise that the fundamental aim of the withdrawal agreement and the political declaration is to make good on the verdict of the referendum. That is why they have been painstakingly negotiated for the last two years.

We heard some passionate arguments for a second referendum from the hon. Member for Mitcham and Morden (Siobhain McDonagh), my right hon. Friend the Member for Putney (Justine Greening) and my hon. Friend the Member for Totnes (Dr Wollaston), among others. I sat in the Cabinet with my right hon. Friend the Member for Putney, and I always listened carefully to her many excellent contributions. In my last role, I learned also to listen carefully to the excellent contributions of my hon. Friend the Member for Totnes.

However, on this rare occasion, I found myself agreeing more with comments such as those of the hon. Member for Blyth Valley, who said that if we held a second referendum, his constituents would ask why we did not then hold a third and a fourth. They would do that for a simple reason. If we did hold another referendum and the result were reversed—if 48% of the country voted to leave and 52% voted to remain—there would be 48% who had voted twice in a row to leave the EU, and they would be incredibly angry. That is why my right hon. Friend the Member for Sevenoaks (Sir Michael Fallon) was right to say that a second referendum would not settle the issue.
Anna McMorin: What the Secretary of State is saying is not correct. It is not a question of rerunning the referendum that took place two years ago; it is a question of giving the decision back to the people, two years on, so that they can ask themselves, “Is this what we really want, now that the evidence is clear?”

Mr Hunt: I suggest to the hon. Lady that she should have conversations with the leave voters in her constituency, and ask them whether they agree with that view. I think that leave voters have a very simple message: they just want us to get on with it. We must ask ourselves whether it would truly settle the issue in their minds and ask them whether they agree with that view. I think that was the case.

Mr Hunt: I suggest to the hon. Lady that she should have conversations with the leave voters in her constituency, and ask them whether they agree with that view. I think that leave voters have a very simple message: they just want us to get on with it. We must ask ourselves whether it would truly settle the issue in their minds and ask them whether they agree with that view. I think that was the case.

Wera Hobhouse: Will the Secretary of State give way?

Mr Hunt: I will give way once more, and then, perhaps, make some progress.

Wera Hobhouse: Is the Secretary of State not neglecting the people who voted to remain in the European Union and who are not being listened to now? They are angry too.

Mr Hunt: I think it is a world first for me to praise the Liberal Democrats from the Dispatch Box, but they, at least, have been completely consistent from the start in saying that they want to reverse the result of the referendum. I am afraid that other Members have been hiding behind various devices, and saying that they do not want to reverse the result when they actually do. I think that, leave or remain, this is a moment when we have to remember that we are above all a democracy in this country, and it would be incredibly dangerous if we were not to listen to what people have asked us to do.

Sir Michael Fallon: Will my right hon. Friend give way?

Mr Hunt: I will give way one last time, and then I will make some progress.

Sir Michael Fallon: My right hon. Friend has already said that.

Is the point not that, either way, the question is unlikely to be resolved decisively in any referendum that might command, say, 60% or 65% of the electorate, which the 1975 referendum, which I think my right hon. Friend is too young to remember, actually did?

Mr Hunt: I thank my right hon. Friend for his flattering comment about my age. I agree with him. It would not resolve the issue, but I think there is a danger that if the result were reversed, it would make the very same people who said that the political class—the political elite—was not listening to them even more convinced that that was the case.

The shadow Foreign Secretary talked about foreign affairs and security, and I want to touch on that briefly. My starting point is very simple: however profound, significant and important Brexit might be, it does not change the simple fact that no European country has done more for the defence and security of Europe than Britain, and that partnership long predates our membership of the EU. In 1940 this country rejected any thought of abandoning Europe, even at the risk of invasion and national ruin, and joined forces with the United States and other allies to launch the liberation of the continent in 1944. Then Britain and the US, with our European friends, strove to build a new world order based on rules and institutions rather than power and militarism, and every British Government regardless of party has acted in the spirit of that tradition—a Labour Government setting up NATO, Margaret Thatcher standing shoulder to shoulder with Ronald Reagan against the Soviet threat. The EU, too, through its establishment of a rules-based order in continental Europe and the generous and far-sighted opening up to post-Soviet accession countries, has played a central role.

I particularly commend the hon. Member for Newcastle-under-Lyme (Paul Farrelly) for reminding us of the historical perspective, which is, in short, a partnership of shared values stretching across political and national divides, from left to right, across the Atlantic, including EU and non-EU members, which has kept the UK and Europe safe. The political declaration aims to enhance that partnership, and the task of putting that into practice will begin on the day the deal is agreed.

As European countries commit to that partnership going forward, so my right hon. Friend the Prime Minister has shown by word and deed that Britain’s commitment to the security and defence of Europe remains unconditional and irrevocable. Indeed, right now, in the middle of the Brexit debate, the British Army comprises the single biggest element of NATO’s enhanced forward presence, safeguarding Poland and the Baltic states. That is why the declaration allows the closest relationship in foreign and security policy that the EU has ever had with a third country. Part III makes it clear that “where and when” our interests converge, Britain and the EU will be able to “combine efforts” to the “greatest effect, including in times of crisis”.

Here I can reassure the hon. Member for Ealing, Southall (Mr Sharma), who worried about our country becoming isolated, that that is not going to happen. Where we agree with the EU, we can act together; where we disagree, we will be free to act independently or with others. But we will no longer be constrained by a lowest common denominator foreign policy.

As my right hon. Friend the Home Secretary described earlier, Britain will be given unprecedented scope to co-operate with the EU to protect our citizens from terrorism and organised crime as we regain parliamentary control of our immigration policy. We had a number of important contributions on that point, including from the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), the hon. Member for Edinburgh South (Ian Murray) and the right hon. Member for Hackney North and Stoke Newington, and I can reassure them that under the withdrawal agreement our law enforcement agencies will continue to use EU tools and databases throughout the transition period, including SIS II and ECRIS. Paragraph 87 of the declaration states that as the transition period concludes, the UK and the EU have agreed to continue to exchange information on wanted or missing persons and criminal records, and that our future relationship should include those capabilities.

Yvette Cooper rose—

Mr Hunt: I sense an intervention coming; why did I think that might happen?
Yvette Cooper: What will the timetable be for the negotiation of a security treaty and its full ratification, and will it be completed within the transition period?

Mr Hunt: Because negotiations involve two parties, I cannot say when they will conclude, but it is the clear intention of both sides that they should conclude before the end of the transition period at the end of 2020. In summary, the future security partnership envisaged in the declaration would enable British and EU law enforcement agencies to share essential data, including passenger name records, fingerprints, DNA and vehicle registrations.

The right hon. Lady mentioned the arrest warrants issued for the alleged Salisbury murderers; an issue of close interest to me as Foreign Secretary. I can reassure her that as part of the future security partnership we have agreed to swift and effective arrangements enabling the UK and member states to surrender suspected and convicted persons efficiently and expeditiously.

Many hon. Members, including the hon. Members for Motherwell and Wishaw (Marion Fellows), for Hornsey and Wood Green (Catherine West), for Streatham (Chuka Umunna) and for Lewisham West and Penge (Ellie Reeves), spoke passionately about the contribution made by EU citizens in South West Surrey. My right hon. Friend the Home Secretary has made it clear how this country will treat convicted persons efficiently and expeditiously.

I entirely share those sentiments, as do my constituents in South West Surrey. My right hon. Friend the Home Secretary has made it clear how this country will treat the millions of EU citizens who live among us with decency and generosity in all circumstances. I hope and believe that our neighbours will act in the same spirit towards Britons who reside in the EU.

Drew Hendry: Does the Foreign Secretary believe that it is treating people with fairness, dignity and respect to charge them for maintaining their status here? Does he honestly believe that that is the right kind of signal to send out to the people he says are so valued?

Mr Hunt: We make charges to cover administrative costs, just as EU countries make charges for the administrative costs that our citizens incur when in their countries. What is really significant when it comes to generosity is the fact that we have made this offer unconditionally. We made it before any reciprocal offer was made by EU countries in return. That is a sign of how much we value the extraordinarily important contribution that these people make to our national life.

My hon. Friend the Member for East Surrey (Mr Gyimah), in a very dignified speech, raised the issue of Galileo. I regret that the EU has unwisely made it impossible for Britain to remain a full partner of the Galileo satellite communication system. Carl Bildt, the former Prime Minister of Sweden, has described the EU’s behaviour on this as “strategic folly of the first order”.

So we will develop a plan for a sovereign system of our own, because when the EU rejects co-operation, the United Kingdom is perfectly big and confident enough to develop our own alternatives. But if this House rejects the declaration and the withdrawal agreement and we leave the EU without a deal, our security co-operation with our closest neighbours will be put at risk. The reason is that, in a no-deal situation, such co-operation would depend not on any agreement but on good will, and that could well be missing. At a time when threats are evolving and cross-border collaboration has never been more important, our law enforcement agencies would not have the guaranteed channels that they currently have for exchanging essential information with our EU neighbours.

Dr Wollaston: Does the Secretary of State agree, however, that another option would be to extend article 50, and that it is incorrect to present the House with a false choice in which we would automatically fall out on 29 March?

Mr Hunt: I had a conversation with my hon. Friend earlier this evening about how lively things are in her constituency. I think that if any of us asked our own constituents whether the right solution to the dilemmas we face would be to extend the agony by postponing the article 50 due date, they would be absolutely horrified. They want to get this over with. They want to get it resolved.

I mentioned the risks of a no-deal situation to our security, which were recognised by my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb) and my hon. Friends the Members for Ludlow (Mr Dunne) and for Banbury (Victoria Prentis). They all alluded to that issue.

In conclusion, when it comes to defence and security, irrespective of our membership of the EU, the lesson of history is clear. When Britain and Europe stand together against common foes, our combined strength deters our adversaries and keeps the peace. If we did not do that, our common security would be placed at risk in a way that would be wholly unnecessary. So let us grasp this opportunity for a new and different partnership, post Brexit, based on the essential truth that British and European security are indivisible and, whether inside or outside the legal structures of the EU, our common interests are best served by working together to protect the values we all cherish.

Ordered, That the debate be now adjourned.—(Jeremy Quin.)

Debate to be resumed tomorrow (Order, 4 December).

Business without Debate

DELEGATED LEGISLATION

Mr Speaker: With the leave of the House, which is in a state of animation at the prospect of being able to depart, I propose taking motions 3 to 5 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

EXITING THE EUROPEAN UNION (CONSUMER PROTECTION)

That the draft Package Travel and Linked Travel Arrangements (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 29 October, be approved.

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES)

That the draft Central Securities Depositories (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 31 October, be approved.
EXITING THE EUROPEAN UNION (FINANCIAL SERVICES AND MARKETS)

That the draft Trade Repositories (Amendment and Transitional Provision) (EU Exit) Regulations 2018, which were laid before this House on 6 November, be approved.—(Jeremy Quin.)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6) and Order, 26 November),

INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

That an humble Address be presented to Her Majesty, praying that Her Majesty will appoint Richard Lloyd to the office of ordinary member of the Independent Parliamentary Standards Authority for a period of five years with effect from 1 December 2018.—(Jeremy Quin.)

The Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 12 December (Standing Order No. 41A).

Vernon Coaker (Gedling) (Lab): On a point of order, Mr Speaker. I understand that Privy Counsellors are to have a briefing on the implications of the deal under the Civil Contingencies Act 2004. If the potential impact of no deal with respect to civil contingencies is regarded as important enough for Privy Counsellors to have a briefing about it, what will we do to ensure that Parliament hears the content of this privileged briefing for certain Members only?

Mr Speaker: I am bound to say that this is the first I have heard of the matter. I am a member of the Privy Council, although of course as Speaker, other than in a tie, I would not vote, so I am probably not a person of any great interest in terms of the delivery of said briefing. I can say only that to the best of my knowledge I have not been invited to such. This is not a matter for me, although the hon. Gentleman might wish it to be.

I would very much hope that all Members would be kept informed on the subject of the implications of upcoming votes. If those implications are thought to be important, it must logically follow that they are important to all Members, and all constituents of all Members, rather than only to a select category of persons. /Interruption:/ The Government Whip, the hon. Member for Finchley and Golders Green (Mike Freer), chunters from a sedentary position that there are several Privy Counsellors present; I have no reason to dispute that proposition, and looking around, it appears to be true, but it is probably also true that there are a lot of people here who are not members of the Privy Council. On a rough estimate, I would say there are more non-Privy Counsellors present than Privy Counsellors, but we can continue our game of rhetorical tiddlywinks elsewhere.

PETITION

Funding of the Avon and Somerset Police Force

9.2 pm

Kerry McCarthy (Bristol East) (Lab): The petition has been supported, online and on paper, by more than 1,000 of my constituents. It calls for more funding for Avon and Somerset police force. In the past four years, recorded crime in the Avon and Somerset police area has risen by 40%, with violent crime rising by a shocking 75%, but the number of charges being brought has fallen. The petition states:

The petition of constituents of Bristol East constituency, Declares that Avon and Somerset Police have already had to make £65 million of cuts since 2010, with the loss of nearly 700 front line police officers; and further that The Police and Crime Commissioner and Chief Constable have now warned in their report “The Tipping Point” that the force cannot sustain any further cuts- as proposed by the Government—without extremely serious consequences. The petitioners therefore request that the House of Commons urges the Government to give Avon and Somerset Police the resources they need to police our streets, prevent crime and protect the public.

And the petitioners remain etc.

[P002302]
South Western Railway Franchise

Motion made, and Question proposed, That this House do now adjourn.—(Jeremy Quin.)

9.3 pm

Sir Vince Cable (Twickenham) (LD): It is something of a relief to speak on a subject that is not Brexit, and is not even vaguely Brexit-related, though if there were a people’s vote, South Western Railway would not survive in its franchise very long.

Let me relay a little history. The south western region, which is the Wessex part of the south of England and the south-western suburbs, which I represent, had a little over two decades of South West Trains, which was owned by the company Stagecoach. I do not think that they were regarded with enormous affection, but they provided a workmanlike service, and certainly nothing that could be described as disastrous. Since the change in the franchise, which was announced in August last year, there has been a rapid deterioration. That is the matter which I wish to speak.

SWR, or South Western Railway, has joined Southern, Northern and Thameslink at the bottom of the league tables on almost every measure of performance. That is of concern to the people who use the eight stations in the area that I represent in Parliament. But it is not just me; many other MPs in south-west London are concerned.

My right hon. Friend the Member for Kingston and Surbiton (Sir Edward Davey) has established an all-party group that is doing detailed work on the problem and will, I hope, produce a report to enliven this discussion. The concern goes much wider than my constituency.

Jim Shannon (Strangford) (DUP): It has been brought to my attention that the disabled access points on this line are not up to the standard expected by disabled charities and organisations. Does the right hon. Gentleman feel that the Minister should address the need for modern disabled access points that are technically updated and correct for those who are disabled?

Sir Vince Cable: That was not on my list of complaints, but I am sure we can add it.

The central concerns that people have are the following. First, there has been a marked deterioration in punctuality and reliability. The consumer group Transport Focus measures satisfaction with punctuality and reliability and it has sunk to 65%, which represents a 12% deterioration in the past year.

The second problem is the ability of the rail company to deal with major disruption. When there is somebody on the line or a points problem, we have been used to recovery within a reasonably short space of time. Now, the whole network is disabled for prolonged periods, due to the apparent inability of either Network Rail or South Western to deal with the problem.

The third problem is a strategy that I would call the concentration of misery. Whenever there is a serious disruption, the rail company has the choice of whether to spread it widely or concentrate it on one or two neglected branch lines. What is happening in practice is that some of the branch lines, including the so-called Shepperton line that runs through Fulwell and Hampton in my constituency, are particularly badly affected. The justification given to me by the company is that that affects fewer people, but the effect is that an already poor service becomes impossible. People are not able to get to work or to school and large numbers of cancellations take place. I had a message yesterday from a constituent who boarded a train and it was then announced that it would not stop at any of the announced stops, but would go straight to Waterloo. That kind of experience is commonplace.

There is then the issue of industrial action. I am reluctant to ascribe blame and I am sure that the rail unions have their share of responsibility, but for almost a quarter of a century we had virtually no industrial action in this part of London. It is now frequent and we have had eight major strikes since the change of franchise. Clearly there is a complete breakdown of communication between the employees and the employers.

Then there is the issue of the new timetable that we were promised. It is probably a source of relief that the company has not tried to put it into practice. We are still offered the old timetable, which the company finds extremely difficult to operate.

Last but not least, there is the promise of a 3% fare increase. That has led to probably the most serious and general complaint about the service: that it simply is not value for money. The surveys recently carried out by Transport Focus suggest that only 36% of passengers judge the service to be value for money, and I am sure that is deteriorating by the day.

Ruth Cadbury (Brentford and Isleworth) (Lab): I thank the right hon. Gentleman, who is my constituency neighbour, for securing this important debate on a subject that also affects the thousands of people who use the six stations on South Western Railway’s Hounslow loop line—not only my constituents but the thousands who work at GSK, Sky and so on. I agree with him about the disruption to people’s working, daily and family lives, and I share the concern of the hon. Member for Strangford (Jim Shannon) about what the promise to remove the guarantee of a second person on the train means for people who are disabled. The situation needs looking at urgently.

Sir Vince Cable: I thank the hon. Lady for that additional information, which is germane and extremely useful.

There have been a couple of serious and authoritative reports by the Office of Rail and Road. Sir Michael Holden was invited to carry out a study; and he has actually run railways, so we think he can be trusted for technical judgment. The analysis that is now available suggests that the following are the main sources of disruption. The first is that the franchise itself was not properly conducted. The company overbid or, to put it another way, underbid for subsidy and is now financially stretched. It appears to be struggling to maintain payments to its financiers, and the consequence is that passenger welfare is being sacrificed and the promised investment is not materialising. There are serious questions for the Department and the Minister about how the franchise was allowed to take place and result in a serious deterioration of standards. The Government have plenty of experience of refranchising, and why they were allowed to disrupt what was a perfectly serviceable arrangement with the previous franchisee is unclear.

Sir Edward Davey (Kingston and Surbiton) (LD): My right hon. Friend is right to say that the all-party parliamentary group that I set up is looking at this
Sir Vince Cable: That is a helpful intervention that anticipates what I am now going to say. Many of the problems do originate with the franchise and the franchisee, but there is some shared responsibility with Network Rail, which of course is a nationalised industry. Network Rail’s failings have been exposed throughout the network, but they are particularly serious here, because the decision was made several years ago to switch the control centre from Waterloo to Basingstoke. As a result, many staff were shed, and a disconnect was established between the running of the trains and the running of the crews, so at least part of the disruption is attributable directly to Network Rail. I think the common consensus is that the franchise company suffers seriously from management and many failures, among which is the fact that Network Rail has not updated any of its contingency planning since 2011. It is important to accept that it is not just the franchisee that is responsible for the many failures.

An additional problem is the lack of integration between Network Rail and the franchisee. Under a previous dispensation, the two things were run together. It would probably have been better if the original rail privatisation had properly integrated the franchise and the network, but that was done informally in the south western area under the previous franchise, and it has now completely broken down. There appears to be no integration at all, minimal co-ordination and just an instinct for blaming each other.

The combination of those all factors has led to the serious situation that we have at present, and I would hope that the Government recognise that. To prevent the situation disintegrating to the point at which we have another Southern railway scandal, the Government might intervene now to prevent the situation slipping further. There are several actions they can take, and my right hon. Friend has just summarised them. In relation to the franchise, there are essentially two options, one of which is to take the franchise away and replace the existing company with another—preferably a public service company, but there is a variety of options—and the other is to impose on the franchise a set of performance-related measures so the company is paid only when it delivers on its undertakings.

There are various ways of dealing with this problem. Unlike the Labour party, I do not believe nationalising the franchisee would necessarily help, but we have to find a mechanism by which it can be properly held to account and rewarded for success, rather than rewarded for failure.

The second area of activity that is needed is within Network Rail itself. It is fortunate that Network Rail has just appointed Andrew Haines as its head. I dealt with him extensively when he ran South West Trains, and he is generally thought to be a good manager. Whether he can personally turn this around, I do not know, but it would greatly help if there were proper integration of Network Rail and the franchise in this section of the system. I would be grateful if the Minister could indicate how he can help achieve all of that.

There are clearly questions for the Department to answer, notably on the franchise, how it has allowed this to happen and the options available to it to turn the situation around. Although Network Rail is a free-standing operation, though nationalised, it would be useful to have some indication from the Government on how they can push it in the direction of better management and better attention to the serious problems in this region.

Sir Edward Davey: I am grateful to my right hon. Friend for giving way a second time.

The point on Network Rail is crucial. Like my right hon. Friend, I have a lot of time for Andrew Haines given our mutual experience of him. However, Network Rail will not be able to get to grips with the challenges of an extraordinarily high level of emergency speed restrictions and temporary speed restrictions across the network. A decade or so ago, there were zero speed restrictions; now there are 70 or 80, which is because of the lack of essential investment. Unless the Department for Transport supports Network Rail with more cash to solve those restrictions, we will get nowhere near the level of timetable resilience that will prevent cancellations and delays, meaning that people’s trains actually run on time.

Sir Vince Cable: My right hon. Friend is absolutely right, and he leads me to my concluding point on the role of the Department itself.

The national rail review is looking at overall performance, and I hope it is able to look at the role of the Department and not just of the rail companies, but there is the additional and crucial point, as my right hon. Friend has just said, that a lot of this depends on available investment. Some of that, of course, has to come from the franchise company, but Network Rail ultimately depends on the willingness of the Treasury and the Department for Transport to make capital spending available in light of what is necessary.
Colleagues have asked what action is being taken. Since then, Network Rail has taken action to bring more operational experience to its executive team, including with a change of managing director on that route. People are rightly frustrated and angry with the delays and cancellations, but I want to assure the House that bringing performance back to acceptable levels is our highest priority.

Sir Edward Davey: I just want to make sure that the Minister and the House understand that although it was a shocking performance on that Monday when the works were not completed on time, the cancellations and delays have been going on for more than 18 months. This has been a long, sustained period of shockingly poor management and shockingly dreadful services, why our constituents are suffering daily. I have 10 train stations in my constituency. Most of my constituents rely on these services, and they have to be put right. We need to hear from the Minister about the actions his Department will take to do that.

Andrew Jones: Obviously I am coming on to that, but I wanted to highlight when the problems were at their most acute. I will press on now to make sure that some answers are given in the time available.

A key point is that South Western Railway and Network Rail understand the causes and have put a plan in place to turn performance around. The right hon. Member for Twickenham highlighted the report that was commissioned from Sir Michael Holden and his background as a senior figure in the rail industry. Sir Michael’s report highlighted that no one silver bullet will restore punctuality to previous levels. He cited the main cause for the decline as too little flexibility in the timetable, so that when things do go wrong, they go very wrong and it is difficult for the operator to get back on schedule. I think that is part of the system and that is something that we need to change. The right hon. Gentleman highlighted when he talked of a “concentration of misery.” It is a very tough thing for the operators to deal with. I visited the train operating centre in south Manchester a few days ago, when I witnessed a nine-minute delay in the Castlefield corridor having a consequential impact of 1,200 lost minutes through delay across the network of the north. We are talking about a network that is stretched taut, and there is little flex.

Sir Michael highlighted other causes: the intensively used, ageing infrastructure, and the ongoing industrial action, which is diverting management attention. Taken together, they have led to an unacceptable level of performance on the South Western Railway network. However, he also points out the potential performance improvement opportunities that a consistent suburban fleet would offer. South Western Railway identified that before the start of the franchise when it ordered a fleet of 90 modern trains. Those trains offer not only performance benefits but a range of features to improve customer journeys. This is an £895 million fleet to cover the entire suburban network, and it is due to enter service from late 2019.

Sir Michael makes 28 recommendations in his report for South Western Railway, Network Rail and the Department to take forward, and I am pleased to say that all have been accepted and are currently being progressed. A number of the recommendations are already complete, and all of his short-term recommendations will be complete by the end of this year.

The right hon. Gentleman highlighted the success of the railways in increasing passenger numbers, which have reached a record high of 1.7 billion. So we are dealing with an industry that is trying to cope with the challenges of growth. In order to deal with that, changes have been made to lengthen platforms on the suburban routes to accommodate 10-car trains. That work is part of the £800 million Wessex capacity enhancement programme, which has also seen major works completed at Waterloo to lengthen the platforms there. I am not sure whether he is aware that starting from Monday 10 December the services from Reading or Windsor & Eton Riverside that call at Twickenham station are scheduled to arrive at one of the four former Waterloo International platforms, which are being brought back into full use. I am sure he will welcome that. It should help relieve some of the issues affecting punctuality, especially in the peaks, because there are periods when trains are waiting outside stations for platforms to become available.

The changes to be introduced through the new franchise by December 2020 will mean an increase in peak capacity of about 30% at Waterloo, so we are talking about more space and less crowding for passengers. However, it is also fair to say that the challenge faced by Network Rail to maintain its assets in a reliable condition gets harder—that was a point made in a number of interventions. I agree entirely that the effect of that has been felt by passengers.

The right hon. Gentleman asked whether we are investing; well, we certainly are. We are seeing one of the biggest investments in our railway’s history, with £48 billion to be spent by Network Rail in the next control period, which starts next year and will run until 2024. That funding will make a real difference to the passenger experience, because it will go far more towards maintaining and renewing the infrastructure—

Sir Edward Davey rose—

Andrew Jones: The right hon. Gentleman has had a very good run. Will he let me press on a little further?

In previous control periods, we have had a bias towards enhancements; this time it will be towards the maintenance and renewal of infrastructure and increasing reliability and punctuality. For South Western’s passengers, the Network Rail Wessex route will see funding increased by 20% compared with the past five years. Work will be taking place over Christmas and the new year, when Network Rail will be investing more than £148 million to improve the network throughout the country for a more reliable railway for passengers. Network Rail’s “team orange” will be out on the Wessex tracks replacing switches and crossings in the Waterloo area, strengthening bridges at Vauxhall and Guildford, and replacing track in the Westbury area. Are the Government acting? Yes, they are. Are the Government investing? Yes, they are.

The new franchise was highlighted—

Sir Edward Davey rose—

Andrew Jones: This will be the fourth intervention—come on!
Sir Edward Davey: I am extremely grateful to the Minister for giving way; he is being very generous. If he looks at the historical record of investment in the South Western Railway region—the Wessex region—he will see that it is shockingly low compared with the rest of the country. Although there is going to be a small increase, compared with the huge amounts being spent elsewhere the capital investment in the Wessex region is not good enough. Given the problems and the huge numbers of people in the area, will the Minister go away and consider the investment that is going to the region? It is simply not adequate.

Andrew Jones: Every single Member of this House comes to me and says that every other area is being advantaged ahead of their own—

Sir Edward Davey: Look at the facts.

Andrew Jones: I have obviously gone over the facts and we are looking at them, but the point is that we have a programme that is delivering new rolling stock and upgrading the maintenance budgets. It is the largest investment that any Government have made in our railways, so to suggest that the Government are not backing the railways is simply not true. I am just highlighting some of the new things that are coming in.

There were a few questions about the franchise. The winning bidder, First MTR, will be investing £1.2 billion over the course of the franchise. A significant part of that will go on the fleet of new trains that will provide services for the constituents of the right hon. Member for Twickenham and more widely across the suburban services. We expect there to be some significant improvements in passenger experience thanks to new and refurbished rolling stock and smart ticketing options, as well as improved wi-fi provision at stations and beyond.

The franchise performance was clearly of concern. With the new franchise, we have set challenging targets for performance, with a financial incentive that would reward the operator for exceeding those targets. As everybody has said and as we all know, performance is not at the levels that passengers rightly expect, and it is below the target levels in the franchise agreement. South Western Railway is now investing an additional £5 million across a range of initiatives to improve performance. Many of these initiatives are targeted at improving the fleet’s reliability and are designed to reduce instances of services being formed of too few carriages or cancelled.

The right hon. Member for Kingston and Surbiton highlighted predates what we are discussing—it has declined over a considerable number of years. I have gone back and reviewed performance and investment, and the point I would like to make is that we have a plan and we are investing at a record level. All of this will add to the future drumbeat of improved services, and passengers will notice the difference.

The right hon. Member for Twickenham mentioned the Williams review and asked whether it would include the Department for Transport. Yes, it will. It is looking at the structure of the industry. This industry has been one of remarkable growth since the privatisation, with 1 billion extra passenger journeys a year. The system has served us well, delivering more people on to our networks, but the question is whether the structure is right to take it on into the future. If we are asking that question very broadly, the review has to and does include the Department that has a key role to play.

The introduction of the new timetable in May was clearly very problematic, and the industry has apologised for it, as it certainly should have done. Passengers were vastly inconvenienced by it; it was a failure of performance. Lessons have been learned from it, and there has been a review. The head of the Office of Rail and Road, Professor Glaister, has published a report and we will hear more on his recommendations for the future very shortly. The key thing is that lessons are being learned. We are investing in new rolling stock and having a proper hard look at how we can deliver the railway that people need. Colleagues from across the House have been very clear in their expectations of the rail industry and of the Department, and we are making sure that those expectations will be fulfilled.

*Question put and agreed to.*

9.32 pm

House adjourned.
Oral Answers to Questions

EXITING THE EUROPEAN UNION

The Secretary of State was asked—

Third-country Trade Agreements

1. Mr Ranil Jayawardena (North East Hampshire) (Con): What recent discussions he has had with the Secretary of State for International Trade on the implications of EU withdrawal negotiations for potential trade agreements with third countries after the UK has left the EU.

The Secretary of State for Exiting the European Union (Stephen Barclay): I have had a number of discussions with my right hon. Friend the Secretary of State for International Trade, as we build on the political declaration’s recognition of an independent free trade policy. As with the withdrawal agreement, we will be free to negotiate, sign and ratify free trade agreements during the implementation period.

Mr Jayawardena: On a personal level, may I welcome my right hon. Friend to his new position? Britain must seize its amazing opportunity to forge a new role in the world as a beacon of free trade, and an important part of that is implementing not only primary but secondary legislation. Will the Secretary of State update the House on the progress of primary and secondary legislation, and say when some of it will come forward?

Stephen Barclay: My hon. Friend is correct to focus, with his keen eye, on the importance of secondary legislation, and significant progress is being made. To date, we have laid before Parliament more than 220 statutory instruments out of a target of 700. We have made significant progress, and my hon. Friend is right also to look to the opportunity that we will have as an independent free trade nation.

Hilary Benn (Leeds Central) (Lab): May I join the hon. Member for North East Hampshire (Mr Jayawardena) in welcoming the Secretary of State to his first appearance at questions to the Department for Exiting the European Union? When he and Oliver Robbins appeared before the Exiting the European Union Committee on Monday, the question was raised about what will happen to the 40 or so trade agreements to which we are party because of our membership of the European Union and which relate to about 70 countries. We were told that the EU has said that it intends to inform those countries that they ought to interpret those deals as continuing to apply to the UK during the transition period, but Mr Robbins said that that is “not the same” as a guarantee. What assurances can the Secretary of State give to businesses that trade under those arrangements in many parts of the world if our own negotiators say that there is no guarantee that the deals will continue to apply?

Stephen Barclay: I thank the right hon. Gentleman for his kind remarks. He is right—we did explore that issue in Committee—and the point is about the significant progress that has been made in our bilateral discussions with those countries. He is right to say that that is not an absolute guarantee—that was the point made by Mr Robbins—but significant progress is being made.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Further to the question from my right hon. Friend the Member for Leeds Central (Hilary Benn), contracts in those trade agreements are worth more than £73 billion of exports and about £74 billion of imports. That is a serious matter for businesses in the Secretary of State’s constituency, and mine, that might be trading under those agreements. In the event of no deal, we will lose those agreements from 30 March next year. Is it time that he and the Government made a statement to the House, to set out in detail the implications for UK businesses of losing access to those trade agreements, which we have been part of negotiating over the past 45 years?

Stephen Barclay: The hon. Lady and I explored that point in Committee, and it is not the case that in the event of no deal we would lose those agreements, because we are having those bilateral discussions. She points to a wider point, however, which is that the deal on the table from the Prime Minister is the way to deliver the certainty that our country needs and what the business community wants. That is why it is the right deal, the only deal and the deal the House should support.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I welcome the Minister to his new post, and I hope he stays around long enough to realise how complex the world is in terms of international trade. Will he look forensically at what really happened with Bombardier, which was part of a complex supply chain? He does realise—does he not?—that no deal is as good as staying in the European Union.

Stephen Barclay: I feel that I should look to the hon. Gentleman when it comes to sticking around, because he is a good model for many of us in the House. He is right to mention the importance of Bombardier. Notwithstanding points that have been raised from a constitutional perspective—I know colleagues in the Democratic Unionist party have raised that issue—the head of Bombardier in Northern Ireland made it clear that the deal that the Prime Minister has secured from the European Union is the right deal for Bombardier and for Northern Ireland.
Mr Speaker: I gather that the hon. Lady was given the award of Labour MP of the year; I have a feeling that the relevant west London media organs will soon be aware of this important fact, if it has not been divulged to them thus far.

Joanna Cherry (Edinburgh South West) (SNP): If, or when, the withdrawal agreement is voted down next week, no deal is not the only option. There is a third option—to revoke article 50. We know what the Advocate General said earlier this week. Is the Secretary of State aware that the Grand Chamber of the Court of Justice of the European Union will give its final opinion—the opinion of 26 judges—on this issue at 8 am on Monday? MPs will therefore have the answer to the question whether article 50 can be unilaterally revoked. Can the Secretary of State confirm that he will be coming to the Chamber, in the wake of that decision, on Monday afternoon, to make a statement about the implications of the judgment of the Grand Chamber?

Stephen Barclay: The hon. and learned Lady has asked for short answers, I feel that I should stop my answer with the word “yes”. Yes, we will be ready. This is an opportunity to pay tribute to the work that the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Daventry (Chris Heaton-Harris), is doing on no-deal planning; a significant amount of work has been done. Let us not lose sight of the fact that the situation will also be very challenging: there is a huge amount to do as part of that no-deal planning. So yes, we will be ready, but significant work will be required.

Dr Huq: I thank you for hosting the Patchwork Foundation MP of the year awards last night, Mr Speaker; I thank the organisation for the great work it does for people of non-traditional backgrounds.

The Prime Minister and her Ministers continue to prove Danny Dyer right, who talked of the “mad riddle” of Brexit. They pose their deal, no deal or no Brexit. What concrete assurances can they give the university representatives I met yesterday about what happens to their millions of euros of monthly research funding if we crash out with no deal on 1 April? The last they heard was a letter from the now long-departed hon. Member for Orpington (Joseph Johnson)—he, they, and the majority of my constituents want no Brexit.

Stephen Barclay: It might surprise you, Mr Speaker, but I was not able to join your social gathering last night.

Mr Speaker: Neither was I!

Stephen Barclay: We are both dealing with the complexity of the issues.

On the substance of the point raised by the hon. Lady, I should say that this is the very essence of why we need the certainty that the deal offers. The alternatives that she points to are the uncertainty of no deal or of a second referendum. I know she desires a second referendum, given a number of questions she has put to the Prime Minister, but that would bring uncertainty to our democracy and politics.
the Department is not constrained to merely the domestic side, although that is of huge significance. We are also focused on moving forward on the political declaration and looking to the future. Yes, the withdrawal agreement deals with the winding-down of our relationship of over 40 years with the European Union, but we are also focused on taking forward the political declaration to deliver on the future trading relationship that we want with our closest trading neighbour.

**Free Movement and Scotland**

3. **Martyn Day** (Linlithgow and East Falkirk) (SNP): What recent discussions he has had with the Secretary of State for Scotland on the potential effect on the Scottish economy of the proposed abolition of the free movement of people between the UK and the EU after the UK leaves the EU. [908038]

19. **Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): What assessment the Government has made of the potential effect on the Scottish economy of the proposed abolition of free movement of people after the UK leaves the EU. [908059]

**The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker):** With your permission, Mr Speaker, I will take Questions 3 and 19 together.

The Secretary of State has regular discussions with his Cabinet colleagues. We also engage with the Scottish Government through the Joint Ministerial Committee and the ministerial forum, which I co-chaired on Monday. The political declaration makes it clear that free movement will end. We will design a future immigration system that works for all parts of the UK.

**Mr Speaker:** I had no previous notice of that intended grouping, but it is, as far as I can see, unexceptionable.

**Martyn Day:** The average EU citizen living and working in Scotland contributes £10,400 a year in tax revenues. Does the Minister think it is acceptable to cut the withdra wal agreement.

**Mr Walker:** From the Prime Minister downwards, we have always been clear that we hugely value the contribution of EU citizens living all over our country; we want them to stay, and we will make sure that they can stay under any circumstances. However, the best way to do that is to secure the agreement we have negotiated and to secure citizens’ rights arrangements for 4 million citizens, including many UK citizens living in the EU.

**Peter Grant** (Glenrothes) (SNP): I welcome the Secretary of State to his first Question Time. The Prime Minister listed the end of the free movement of people and the single biggest cause for celebration in her deal. The reality is that, every week, Fife is losing talented young families, who are leaving their home and the land where they belong because they do not want their children growing up in a place where they have been regarded as bargaining chips and queue jumpers. That is causing enormous heartache to thousands of my fellow Fifers and to hundreds of thousands of my fellow Scots. Will the Minister explain why I should celebrate that?

**Mr Walker:** I do not think the hon. Gentleman will be particularly surprised to hear that I do not agree. I believe that the sovereign will of the people of Scotland he referred to was to stay in the United Kingdom. The United Kingdom has voted to leave the European Union and end free movement. However, every scenario in the Government’s analysis showed our economy continuing to grow.

**Welsh Assembly**

4. **Hywel Williams** (Arfon) (PC): What recent discussions he has had with representatives of the National Assembly for Wales on the proposed withdrawal agreement and political declaration.

**The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker):** No unexpected question pairings this time, Mr Speaker.

I have appeared twice in front of the Assembly’s External Affairs and Additional Legislation Committee this year, most recently on 11 October, to provide evidence on the UK’s exit from the European Union. I also regularly engage with the Welsh Government, with whom I had a call this morning. Earlier this week, I co-chaired the sixth meeting of the ministerial forum for EU negotiations, which three Welsh Ministers attended. We remain committed to engaging fully with the devolved Administrations and legislatures.
Hywel Williams: I thank the Minister for that answer. In the Exiting the European Union Committee on Monday, the Government’s chief Brexit adviser told me that Welsh representatives will not sit on the new joint committee of five. He said that the Joint Ministerial Committee might be used, or “other structures that may be invented in due course.”

The JMC is widely seen as not being fit for purpose—for example, by the recent inter-parliamentary forum on Brexit, which I attended. What are those proposed invented structures, and when and how will they be activated?

Mr Walker: This is an issue that we take very seriously. The ministerial forum, which I co-chair with the Parliamentary Secretary, Cabinet Office, my hon. Friend the Member for Norwich North (Chloe Smith), who is the Minister for the constitution, has had some very useful engagement, in addition to the JMC structure. My new Secretary of State has already attended his first meeting of the JMC. We intend to keep moving forward and talking to and including the devolved Administrations in our approach.

Wayne David (Caerphilly) (Lab): Under the Government’s post-Brexit UK prosperity fund, will funds be allocated on the same basis and to the same areas as under the current European structural funds?

Mr Walker: The hon. Gentleman asks an interesting question. Clearly, work is still ongoing on the UK shared prosperity fund. There is a huge opportunity to do better than the European structural funds. Our country sends millions of pounds into the European structural fund system, and they never return to our country. In the future, the UK shared prosperity fund can deliver more effectively for every part of the United Kingdom.

Manufacturing Industry

5. Liz Twist (Blaydon) (Lab): What assessment he has made of the potential effect of the proposed withdrawal agreement and political declaration on the manufacturing industry in the UK.

[908040]

8. Mohammad Yasin (Bedford) (Lab): What assessment he has made of the potential effect of the proposed EU withdrawal agreement and political declaration on manufacturing industry in the UK.

[908043]

The Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng): The Government’s analysis shows that the deal that the House is considering will deliver for every section, region, nation and sector of our country, including the manufacturing sector. I assure the hon. Member for Blaydon (Liz Twist) that it has grown by 9.5% since 2010.

Liz Twist: The Attorney General’s legal advice on the backstop states: “any GB goods crossing the border into the EU will be subject to third country checks”.

How much damage does the Minister think that will cause to manufacturers, like those in the north-east, where my constituency is based, who rely on just-in-time supply chains?

Kwasi Kwarteng: The prospects for manufacturing under the Government’s policy are actually very strong. [Interruption. / I will answer the hon. Lady’s question. I think the House will be very interested to learn that Sir Roger Carr, the chairman of BAE Systems, which has locations near the hon. Lady’s constituency, said that the deal is “something that had the key elements of what people were looking for, particularly in the sense of a pathway to frictionless trade, control of our borders and preservation of the UK.” Manufacturing has nothing to fear from this deal.

Mohammad Yasin: No. 8, Mr Speaker.

Mr Speaker: The hon. Gentleman must have been momentarily inattentive. His question has been grouped with this. His chance is now.

Mohammad Yasin: Dunbia Cardington is a major employer in Bedford. Despite years of trying to recruit staff locally, the business relies on workers from the EU, who make up 90% of the workforce. Does the Minister agree that the Government’s future immigration policy, which restricts the low-skilled workforce that the factory depends on, puts the future of the company at risk?

Kwasi Kwarteng: I completely reject that idea. As we have stated very clearly, the rights of EU citizens who are already here are absolutely guaranteed under the terms of the withdrawal agreement. We look forward to having a skills-based immigration policy that will absolutely guarantee that the talent we need can come to this country.

Mr Philip Hollobone (Kettering) (Con): Will the Minister confirm that the proportion of the British economy that is dependent on EU-linked supply chains is just 3%?

Kwasi Kwarteng: Those are my hon. Friend’s figures, and I know what his views on the subject have been over many years. The deal under consideration will be a sure footing on which we can grow the economy. I think the scare stories are misplaced and we have a bright future ahead, particularly in relation to our exports and our trade policy.

Sir Desmond Swayne (New Forest West) (Con): Why would the world’s eighth largest manufacturer want to leave 20% of its economy subject to the acquis?

Kwasi Kwarteng: My right hon. Friend has well-known views about these issues. Many manufacturers and businesspeople in Britain seek an assurance that they will be able to trade freely with the EU, and I think the acquis communautaire is something that they value.

Sir Vince Cable (Twickenham) (LD): The Minister will be aware that engineering employers and the CBI have given cautious support to the Government’s proposal on the basis that the transition and the common customs area will protect their supply chains. What further reassurance can he give them that these arrangements might be long term, or even permanent?

Kwasi Kwarteng: The right hon. Gentleman is absolutely right, and I commend him for his honesty in suggesting that many businesspeople think the deal is a very good one. Certainly, businesspeople in my constituency want the deal to go ahead. I think that we will secure a
frictionless or very good free trade arrangement with the EU, and I think that our businesses will grow and be encouraged by the free trade agreement that we get.

Jenny Chapman (Darlington) (Lab): Labour’s policy of a permanent customs union is supported by, among others, the TUC, the CBI and the Engineering Employers Federation, which said:

“Loss of access to both the single market and the customs union would condemn the manufacturing sector to a painful and costly Brexit.”

On 17 July, this House came within six votes of accepting a customs union as a negotiating objective. Is it not obvious that if the Prime Minister supported it and ignored the empty threats of the European Research Federation, which said:

“Loss of access to both the single market and the customs union would condemn the manufacturing sector to a painful and costly Brexit.”

The hon. Gentleman belongs, told us that that would never be possible, but the political declaration makes it clear that it is.

Kwasi Kwarteng: The hon. Lady makes a fair point, but she will also appreciate that the deal under consideration is supported by businesses for that very reason. It can secure ongoing relationships with the certainty that we need. The problem with the Labour proposal of permanent membership of the customs union is that it completely destroys any idea that we can have an independent trade policy, which is set out on the first page of the political declaration. The Labour proposal is unambitious and completely constrains our ability to do the independent trade deals that will drive our economy in the future.

Scotland’s Place in Europe

6. Alan Brown (Kilmarnock and Loudoun) (SNP): If he will make an assessment of the potential merits of the recommendations contained in the Scottish Government document, “Scotland’s place in Europe: assessment of UK Government’s proposed future relationship with the EU”. [908041]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): As co-chair of the ministerial forum on EU negotiations, I regularly engage with Scottish Government Ministers, most recently with Ministers Dey and Wheelhouse earlier this week. They presented me with a copy of the document to which the hon. Gentleman’s question refers. The deal protects key Scottish interests, including by protecting UK geographical indications and exploring continued participation in EU programmes such as Horizon. However, contrary to the Scottish Government’s assessment, the political declaration confirms that we are leaving the common fisheries policy and does not link access to waters with access to markets.

Alan Brown: The European parliamentary research service has estimated that a potential value of up to €1.1 trillion per year could be realised from further easement of cross-border movement of goods and services, completing the EU digital single market and increasing cross-border public procurement. Surely, the UK Government should listen to the Scottish Government and look at staying in the customs union and single market for the financial benefits that doing so will bring.

Mr Walker: The hon. Gentleman makes the very good point that the single market in services was never completed, and it probably never will be. It is in the UK’s interests to deliver on the outcome of the referendum, move on from leaving the single market and the customs union and deliver a new relationship with the EU. Many people, including those in the party to which the hon. Gentleman belongs, told us that that would never be possible, but the political declaration makes it clear that it is.

Patrick Grady (Glasgow North) (SNP): The Government are paying lip service, at best, to the views of the Scottish Parliament and Scottish Government. In reality, I think they simply do not give a stuff about what people think north of the border. Yesterday, Scottish Conservative spokespeople were describing a debate in the Scottish Parliament as “needless”. Does the Minister honestly agree with them that the Scottish Parliament—and, for that matter, the Welsh Assembly—do not need to debate or vote on Brexit?

Mr Walker: I respect the right of the Scottish Parliament and the Welsh Assembly to debate whatever they want to debate, but the UK referendum to leave the EU needs to be delivered on by this UK Parliament.

US Trade

7. Mr Virendra Sharma (Ealing, Southall) (Lab): What recent discussions he has had with the Secretary of State for International Trade on the potential effect of the proposed withdrawal agreement on the UK’s ability to trade with the US. [908042]

The Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng): DExEU Ministers and officials, as the House probably knows, engage regularly with the Department for International Trade on EU exit and trade matters. Our officials also jointly attend the US-UK trade and investment working group, which has met five times already. As the withdrawal agreement states, we will be free to negotiate, sign and ratify free trade agreements during the implementation period, and we will be able to bring them into force after that implementation period is complete.

Mr Sharma: Is President Trump wrong when he says that the withdrawal agreement is a good deal for the EU but a bad deal for Britain?

Kwasi Kwarteng: President Trump can justify his remarks for himself, but the US ambassador, Mr Woody Johnson, recently said:

“Britain is the perfect trading partner for the United States”. That relationship is already the strongest we have—the United States is our single biggest trading partner, accounting for 20% of our trade—and there is no reason to suggest that that would be in any way jeopardised by the deal.

Rachel Maclean (Redditch) (Con): There has been much talk about the backstop. In the unlikely and frankly unwelcome event that we find ourselves in it, will the Minister please confirm our position with respect to being able to sign trade deals with the United States and other countries?

Kwasi Kwarteng: As I suggested in my earlier response, the United States is our single greatest trading partner as of today. There is no reason to suggest that that
relationship cannot develop. Under article 129 of the withdrawal agreement, as Members know, we can negotiate, sign and ratify free trade agreements. It is very important to emphasise that point. Those relationships will kick in and take effect after the end of the implementation period.

Jim Shannon (Strangford) (DUP): Since the legal advice of the Attorney General has proven that Northern Ireland is to consider GB as a third country, will the Minister outline how our trade relationship will proceed if this dastardly and despicable deal manages to slip through?

Kwasi Kwarteng: As the hon. Gentleman has heard me suggest from the Dispatch Box, this is a good deal. It works for Britain and it is a very secure basis on which to provide the certainty from which our businesses can grow. With regard to the Northern Ireland backstop, it is not a situation that we want to be in; we hope to conclude a free trade arrangement before the backstop kicks in, and I have every confidence that we will manage to do so.

Michael Fabricant (Lichfield) (Con): Can we have a little bit of honesty in this House? The Minister knows full well that as long as we remain in the backstop, we can talk as much as we like to the United States, and we cannot implement an agreement with them or indeed with anyone else as long as we remain in the customs union. Will my hon. Friend just get up to say, “Yes, that’s true actually”?

Kwasi Kwarteng: I think that my hon. Friend’s interpretation of the withdrawal agreement is slightly different from my own. The first thing I should say is that the backstop is a hypothetical situation; it is not a situation that the Government intend to be in. Let me repeat to the House: if we complete a free trade agreement, the backstop falls away—it is not something that we intend to pursue. If we manage to conclude a free trade agreement, as he knows and as I have said, the withdrawal agreement states that we can sign those deals and they will be— for me—they will absolutely be concluded, or kick in, after the end of the implementation period.

Ms Angela Eagle (Wallasey) (Lab): I repeat the question from the hon. Member for Lichfield (Michael Fabricant), because the Minister did not answer it. He surely has to conform at the Dispatch Box that the deal means that any trade deals that might be signed cannot be implemented until we are out of the customs union and single market. He just has to get up and say that that is true.

Kwasi Kwarteng: I simply reject the premise of the hon. Lady’s question. It is clear, and it is stated clearly in the political declaration, that we will embark on negotiations with the EU and we will conclude them. That is our principal objective—to conclude a free trade agreement with the EU before the end of the implementation period.

Immigration White Paper

10. Diana Johnson (Kingston upon Hull North) (Lab): What recent discussions he has had with the Home Secretary on the immigration White Paper.

The Secretary of State for Exiting the European Union (Stephen Barclay): I have regular discussions with my right hon. Friend the Home Secretary and, as he has been, the Government will shortly publish an immigration White Paper setting out the details of our future immigration system.

Diana Johnson: As immigration was one of the key issues of the 2016 referendum, is it not a complete failure of Government that we will not have that White Paper before we vote next Tuesday? Can the Secretary of State say what he believes will happen with the crisis in our social care workforce once Brexit happens?

Stephen Barclay: The hon. Lady is correct that it was a key area of debate during the referendum, and that is why it is also one of the key wins that the Prime Minister has secured in the withdrawal agreement. She has made it clear that freedom of movement is coming to an end and that we will put in place a skills-based system, so that we can recruit on the basis of what our economy needs, whether that is in social care, health or other sectors such as fintech. We can recruit on the basis of skills, rather than nationality. It is one of the key wins secured by the Prime Minister, and that is why this is a good deal.

Paul Blomfield (Sheffield Central) (Lab): As the Secretary of State has acknowledged, those campaigning for Brexit made controlling immigration central to their case. The Government have put it top of the 40 reasons to back the Brexit deal. Yesterday was assigned for Parliament to debate the issue, but the Home Secretary was unable to give any indication of the Government’s plans. The promise to publish the White Paper before Tuesday has been broken, apparently because Ministers have deeply conflicting views and cannot agree a policy. Blindfold on our future economic relationship and blindfold on migration, how can they expect the House to support them on Tuesday?

Stephen Barclay: The exact opposite is the case. The clarity of the Government’s objective on immigration is signalled by the way that in the withdrawal agreement we have control of the way forward. That is why we will be able to take forward a skills-based system. It is for the Home Office to set out through the White Paper its approach. That is what it will do shortly, as I said a moment ago.

Fishing Policy

11. David Duguid (Banff and Buchan) (Con): What recent discussions he has had with the Secretary of State for Environment, Food and Rural Affairs on fishing policy after the UK leaves the EU.

The Parliamentary Under-Secretary of State for Exiting the European Union (Chris Heaton-Harris): My Department and I continue to work closely with the Secretary of State for Environment, Food and Rural Affairs and his team on future fisheries policy. The Government’s vision was set out in the fisheries White Paper and will come into force via powers in the Fisheries Bill. As an independent coastal state, we will take back control of
our waters, setting quotas and adapting our fisheries management regime for the first time in more than 40 years.

**David Duguid:** When we leave the EU, we leave the common fisheries policy and become an independent coastal state. We therefore need to enter upon a new fisheries agreement with the EU, just like Norway, Iceland and the Faroe Islands. Does my hon. Friend agree that Ministers and officials from the Department for Environment, Food and Rural Affairs should, with input from stakeholders across the fisheries sector, take the lead in those negotiations?

**Chris Heaton-Harris:** I know that my hon. Friend has battled hard over the years for Scottish fishing communities. He is like a machine in his relentless enthusiasm and passion for this subject, so I am sure that he already knows the answer. In fact, I am doubly sure that he already knows the answer because he asked exactly the same question of my right hon. Friend the Secretary of State for the Environment, Food and Rural Affairs just last week. I can assure my hon. Friend that DEFRA and my Department are on the same page, and that the Government have consulted the fisheries industry throughout the negotiations and will continue to do so.

It is right that we continue to use the expertise inside and outside of Government to get the best deal for fishermen in Banff and Buchan, Scotland and the whole United Kingdom.

**Tom Brake** (Carshalton and Wallington) (LD): I thought that the Minister might like to know that a recent survey by the chamber of commerce in Cornwall found that 80% of its members wanted to stay in the European Union. Their concerns included the risk of fish caught in Cornwall and exported by truck via Dover being caught in traffic jams. What is he going to do in relation to that and fishing policy?

**Chris Heaton-Harris:** The right hon. Gentleman, like me, represents one of the most landlocked constituencies in the country, but his question is important none the less. Perhaps he should step back from spreading scare stories about what will happen over the short straits. All he has to do is google what we as a Government are doing and what the French Government are doing to ensure flow over the short straits. He should be happy with what he sees, as should people in Cornwall.

**UK-EU Trade Policy Options**

12. **Richard Graham** (Gloucester) (Con): What recent discussions has he had with the Secretary of State for International Trade on potential policy options in the event that a trade agreement between the UK and the EU is not finalised by the end of June 2020.

**The Secretary of State for Exiting the European Union (Stephen Barclay):** DEExEU Ministers and officials hold regular discussions with the Department for International Trade on EU exit and trade matters. We are working at pace to ensure that the necessary arrangements for our future partnership are in place for December 2020.

**Richard Graham:** Being in the customs union with the European Union means that we cannot negotiate our own independent free trade agreements. If negotiating our future trade relationship with the EU required us to extend the transition period by a year, that could be seen as negative, but the reality is that negotiations with most major countries, such as China and the US, will take time to conclude. Does my right hon. Friend therefore agree that extending the transition period by a year would be better for securing independent free trade agreements than being stuck in an indefinite backstop?

**Stephen Barclay:** I know that my hon. Friend has considerable experience, particularly on issues such as China, in which I know he takes a deep interest. The key point is that it will be a sovereign choice for the UK whether it extends the implementation period. He alludes to the fact that significant work is already going on. For example, the economic and financial dialogues the Treasury has with countries such as China, India and Brazil lay the groundwork for much of the trade discussions that colleagues in the Department for International Trade are concluding.

**Clive Efford** (Eltham) (Lab): The Secretary of State for International Trade promised that he would have 40 trade deals ready to sign the day after we leave the European Union. What assessment has the Secretary of State for Exiting the European Union made of his right hon. Friend’s progress on that?

**Stephen Barclay:** I am both pleased and encouraged by the progress that my right hon. Friend. The Secretary of State for International Trade is making. The point is that, through the deal that the Prime Minister has negotiated, we now are in a position where we can pursue an independent trade policy. That is clear on page 1 of the political declaration. Part 5 of the political declaration sets out a clear timetable to put momentum into the discussions in order that we can not only negotiate and sign during the interim period but get to that future trade agreement with the European Union, which will allow us to start those trade agreements with the rest of the world.

**Agriculture: No-deal Planning**

13. **Mr Alistair Carmichael** (Orkney and Shetland) (LD): What discussions has he had with representatives of the agricultural sector on Government contingency planning on the UK leaving the EU without a deal.

**The Parliamentary Under-Secretary of State for Exiting the European Union (Chris Heaton-Harris):** We continue to have regular conversations with representatives of the agriculture sector on all aspects of exit, including no-deal planning. While the Government have been clear that we do not expect no deal, we continue to do the responsible thing and prepare for all eventualities. As set out in our technical notices, in a no-deal scenario farm payment and rural development programme beneficiaries will continue to receive payments under the funding guarantee.

**Mr Carmichael:** In September, the National Farmers Union warned its members that, in the event of a no-deal Brexit, we could be out of the EU market for up to six months while the process of registering the UK as a third-party country is undertaken. For Shetland farmers and crofters, for whom Europe is an enormously important
market for lamb exports, that could be very serious. What is the Minister doing to ensure that we are not left in that position?

Chris Heaton-Harris: I know that the right hon. Gentleman takes these matters very seriously on behalf of his constituents. As he will know, we want to get the deal that is on the table at the moment, because that guarantees these things, but as I mentioned, we have already published technical notices detailing what farmers would need to do to export their products in a no-deal scenario. We have been clear that there would be some changes in the way we export animal products, for example. However, in November, the European Union published a document on its no-deal planning, in which it set out that it will swiftly list the UK as a third country if all applicable conditions are fulfilled. That would allow us to continue to export live animals and animal products to the European Union. We are continuing to maintain dialogue with our European Union partners and take concrete steps to minimise any disruption that might occur in those circumstances.

Dr David Drew (Stroud) (Lab/Co-op): The Department for Environment, Food and Rural Affairs continues to say that there will be no deal with any country that does not share our high standards in animal welfare and environmental protection. Does the Department for Exiting the European Union share those views?

Chris Heaton-Harris: Those are the Government’s views.

Support for Farmers

14. Luke Hall (Thornbury and Yate) (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.

15. Fiona Bruce (Congleton) (Con): What 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.

The Parliamentary Under-Secretary of State for Exiting the European Union (Chris Heaton-Harris): We continue to have regular conversations with ministerial colleagues across Government on all aspects of exiting the European Union, including support for farmers. The Agriculture Bill is part of the Government’s programme of critical legislation to deliver a smooth exit from the European Union and seize the opportunities of a green Brexit. It will allow us to break from the EU’s common agricultural policy and free farmers to continue producing world-class food.

Luke Hall: The EU is our biggest export market for agricultural goods, including a huge amount that we export from south Gloucestershire. Does the Minister agree that maintaining unfettered access to that market is absolutely essential for businesses around the country, including the many farms in south Gloucestershire in places such as Chalford?

Chris Heaton-Harris: I absolutely agree, which is why we have a deal on the table that will deliver that, and why the political declaration sets out the plan for a free trade area for goods, including agri-food. It recognises that controls and checks will depend on the UK’s commitments on regulatory co-operation, including the level of alignment with EU rules. We need to agree that balance as part of the future negotiations, but we have agreed to be as ambitious as possible.

Fiona Bruce: A key concern to Cheshire farmers is to know what discussions the Secretary of State has had with his counterparts in the Departments for International Trade and for Environment, Food and Rural Affairs about protecting UK food and farming standards following exit from the EU.

Chris Heaton-Harris: We continue to have regular conversations with colleagues across Government, including the Department for International Trade, on all aspects of exit, including farm and food standards. As we leave the European Union we are clear that consumers must be confident that food has been produced to a high standard and that we must protect highly integrated supply chains to the benefit of customers across Europe. That is why we have this deal on the table.

Nick Smith (Blaenau Gwent) (Lab): When the Agriculture Bill comes back to this Chamber, will the Government table an amendment to maintain our high standards on food safety and animal welfare in future trade agreements?

Chris Heaton-Harris: I always agree with my governmental colleagues.

No Deal Contingency Plans

16. Alex Burghart (Brentwood and Ongar) (Con): What steps the Government are taking to prepare contingency plans for the UK leaving the EU without a deal.

17. Steve Double (St Austell and Newquay) (Con): What steps the Government are taking to prepare contingency plans for the UK leaving the EU without a deal.

The Parliamentary Under-Secretary of State for Exiting the European Union (Chris Heaton-Harris): While the chances of no deal have been reduced considerably because of the deal that we have on the table, the Government continue to prepare for all eventualities. Extensive work to prepare for a no deal scenario has been under way throughout Government for more than two years, with more than 300 unique work streams. That work continues apace. We have published 106 technical notices to help businesses and citizens; successfully passed critical legislation; signed international agreements; recruited additional staff; and guaranteed certain EU funding in a no deal scenario.
Alex Burghart: I welcome the Secretary of State, along with my great friend the Under-Secretary of State for Exiting the European Union, the hon. Member for Spelthorne (Kwasi Kwarteng), who takes his rightful place on the Government Front Bench. Will the Minister set out specific examples of what the Government have done in their no-deal preparations? Does he agree that the actions he has outlined are far better than the zero pounds that the shadow Chancellor committed to prepare for no deal?

Chris Heaton-Harris: The whole House will be aware that we have passed a lot of critical legislation, including the European Union (Withdrawal) Act 2018, the Haulage Permits and Trailer Registration Act 2018 and the Sanctions and Anti-Money Laundering Act 2018. We have signed key international agreements, including new bilateral nuclear co-operation deals with the US, Australia and Canada. We are recruiting new staff to prepare for the day the UK leaves the EU, including more than 600 new Border Force officers in addition to 300 officers deployed by the end of this year.

Steve Double: It is rumoured today—I read it on Twitter, so it must be true—that the Privy Council is to be briefed by the Cabinet Office civil contingencies department on its preparations for no deal. In the interests of balance, will the Minister ensure that the Privy Council is also given a full report of his Department’s readiness for a no-deal outcome so that it is fully informed?

Chris Heaton-Harris: I do not know whether that was a bid from my hon. Friend to become a Privy Counsellor, but he would be a worthy recipient of that honour. My Department always remains open, and I remain open to talk to all colleagues, from whatever part of the House, about the Government’s no-deal planning.

Karin Smyth (Bristol South) (Lab): We seem to have a slightly contrary position here. Earlier, we heard from Ministers that there is nothing to fear for manufacturers about no deal and that there are scare stories in this place, but we also hear that there is lots of contingency planning. I have visited manufacturers, and they remain scared of no deal. This week Bristol City Council has published its assessment of a no-deal scenario. Have Ministers met with leaders of Core Cities to discuss and debate what a no-deal scenario means for these drivers of our economies across England?

Chris Heaton-Harris: The very simple answer is yes, Ministers have been meeting with councils up and down the country. There are four Ministers within my Department and the Ministry for Housing, Communities and Local Government who also do that. I suppose it is an interesting balance, when trying to get a deal with some of our best friends, whether to float above the surface the extent of the no-deal planning we might be doing, but a responsible Government plans for everything.

Mr Speaker: Very briefly—a sentence—Christine Jardine.

Christine Jardine (Edinburgh West) (LD): Given the continued concern about medical supplies in the event of a no-deal Brexit, can the Minister assure us about the latest situation for people on life-saving medicines?

Chris Heaton-Harris: As a responsible Government, we will do whatever it takes to ensure that cross-channel trade continues to move as freely as possible, and we have a range of contingency plans in place just in case. Our top priority is ensuring that traffic and goods keep moving, which is why we have been speaking directly to industry across the medical supply chain, from pharmaceutical trade bodies to storage providers, so that consumers continue and will continue to get medicines in the same way as they do now in the event of there being no deal.

Northern Ireland Backstop

18. Sir Hugo Swire (East Devon) (Con): What recent discussions his Department has had with EU officials on technological solutions to avoid the proposed Northern Ireland backstop.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): We had discussions on alternative arrangements to avoid the need for the backstop to come into effect, and that is why the political declaration includes a specific commitment to consider how facilitative arrangements and technologies could be used to develop such alternative arrangements to avoid a hard border in the island of Ireland. To ensure that those are developed quickly, the forward process section sets out how preparatory work should begin before we leave, enabling rapid progress after our withdrawal.

Sir Hugo Swire: I congratulate my hon. Friend the Member for Spelthorne (Kwasi Kwarteng) and the Secretary of State on their new positions on the Front Bench. They will do their job admirably. The truth of the matter is that existing techniques currently used in the EU can be applied to all EU borders. Will my hon. Friend update the House on those technologies and how they can be properly applied?

Mr Walker: My right hon. Friend makes an interesting point. It is an argument that we have made a number of times earlier in the process. There are techniques that can be explored. I think it is fair to say that discussions have further to go on this front to ensure that both parties are agreed on how we implement those. That is what we will want to take forward very rapidly under the political declaration.

Devolved Administrations

20. Ronnie Cowan (Inverclyde) (SNP): What plans he has to meet representatives of the devolved Administrations to discuss the UK leaving the EU.

The Secretary of State for Exiting the European Union (Stephen Barclay): It is not just what you say, but what you do that matters. My very first meeting as Secretary of State was with the Scottish and Welsh Governments, and I hope that underlines my personal commitment to that dialogue. As the Prime Minister committed on Tuesday, we will continue to engage with the devolved Administrations on the detailed positions on the future relationship.
Ronnie Cowan: The Secretary of State will be aware that the Scottish Parliament voted to reject the withdrawal agreement. Will he respect the democratic will of the Scottish Parliament and recognise the result of that vote?

Stephen Barclay: I seem to recall that the democratic will of the people of Scotland was to remain within the United Kingdom. Having taken that correct decision, they will be the first to recognise that the referendum was a UK decision.

Topical Questions

T1. [908061] Priti Patel (Witham) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Exiting the European Union (Stephen Barclay): Eleven days ago, the Government published the EU withdrawal agreement and the political declaration on the future relationship between the UK and the EU. We have achieved a deal with the EU that delivers on the referendum, that the nation can unite behind and that Parliament should back.

Priti Patel (Witham) (Con): I welcome the Secretary of State to his new role on the Front Bench. Will he explain or elaborate on the work he is doing across Government to enhance connectivity post-Brexit for international trade across the county of Essex and in our regions to get the economic growth that is required and to expand our ports and airports to ensure that our trade not only flows but increases when we leave the EU?

Stephen Barclay: My right hon. Friend makes an extremely important point, and I am very conscious of it in the East Anglia region. The border delivery group is working with Departments to ensure that plans are in place to engage fully with traders in advance of exit and, indeed, it has visited each of the 135 port and airport locations. My right hon. Friend brings considerable experience to the subject and I am happy to meet her to discuss it further.

Keir Starmer: That is a very sensible position. The Secretary of State suggests that he agrees with the Prime Minister that, if the EU does not co-operate, we cannot be kept in the backstop indefinitely. The problem is that the Attorney General’s legal advice, which was published yesterday, states, in terms, “in international law, the” backstop “would endure indefinitely.”

He went on to say: “This remains the case even if parties are still negotiating many years later, and even if the parties believe that the talks have clearly broken down.”

That is the complete opposite of what the Prime Minister said she intended to achieve.

Stephen Barclay: The right hon. and learned Gentleman makes the same point in essence as my very distinguished predecessor, my right hon. Friend the Member for Esher and Walton (Dominic Raab), about where the balance of risk sits. The right hon. and learned Gentleman quoted the Attorney General, so it is worth drawing the House’s attention to exactly what the Attorney General said on that point. [Interruption.] Well, he quoted part of what the Attorney General said, but my right hon. and learned Friend said more than what has been quoted in isolation, and the right hon. and learned Gentleman will be the first to accept that when considering these issues, one looks at the whole, not selective comments. The Attorney General said:

“I do not believe that we are likely to be entrapped in the backstop permanently.”—[Official Report, 3 December 2018; Vol. 650; c. 552.]

However, he also said that “the matters of law affecting the withdrawal can only inform what is essentially a political decision”.—[Official Report, 3 December 2018; Vol. 650, c. 546.]

It is a question of where one assesses the balance of risk to be. I looked at that very issue when I considered the matter. The Attorney General has addressed that, as is reflected in his comments to the House on Monday.

T4. [908064] Mr Philip Hollobone (Kettering) (Con): Will my parliamentary neighbour, the Minister for no deal, confirm for the benefit of our constituents in Northamptonshire that the Government have advanced plans in place to ensure a smooth Brexit in the event of no deal?

The Parliamentary Under-Secretary of State for Exiting the European Union (Chris Heaton-Harris): I thank my parliamentary neighbour, the Minister for no deal, for his question. I know how hard he works in his constituency, and he always puts me to shame with the amount of work he does for his constituents. I remind my hon. Friend of the answers he has heard on this so far, before giving him some extra bits. We already have over 300 plans that we are delivering to
ensure that, should we be in a no deal scenario, it goes smoothly. We have plans for our border, and he will have heard about the amount of legislation, primary and secondary, that is going through the House, and I have some specific examples.

On 2 November, Canada signed a nuclear co-operation agreement with the UK. Later in November, the Competition and Markets Authority started its recruitment campaign to hire staff to fulfil the obligations of its new state aid role. We have begun a pet travel awareness campaign to advise pet owners of the actions they would need to take to be able to travel to the EU with their pets from March 2019. The Home Office has recruited 300 people to its readiness taskforce, and it was on track to be deployed in November. I could go on.

Mr Speaker: Can I very gently say to Ministers that they appear today to be adopting what I can only describe as an Oxford high table approach to political debate? That no doubt has its own merits, but we are subject to the constraint of time, and therefore I would urge a degree of pithiness of exchange.

T2. [908062] Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): The German owner of the Barden factory in Plymouth has announced that the precision ball bearing plant and 400 jobs will go, and it blames Brexit for the closure. Will the Secretary of State reconsider the decision?

Stephen Barclay: I pay tribute to the hon. Gentleman for his approach of working with other Plymouth MPs, my hon. Friends the Members for Plymouth, Moor View (Johnny Mercer) and for South West Devon (Mr Streeter). I recognise the importance of this to the three constituencies, and I am happy to raise the issue with my right hon. Friend the Secretary of State for Defence. We recognise the importance of Barden as a firm, and I am happy to work with the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) and his constituency neighbours as we take the issue forward.

T5. [908065] Craig Tracey (North Warwickshire) (Con): The majority of my constituents and I voted to leave the EU primarily to take back control of our sovereignty, and I am struggling to reconcile that with the proposed Northern Ireland backstop and our inability to leave it unilaterally. What reassurances can my right hon. Friend give me following the publication of the Government’s legal advice yesterday?

Stephen Barclay: I am very happy to reassure my hon. Friend. A number of the safeguards have been debated at some length in the House, including safeguards on extending the implementation period, on the undesirability of the backstop to the EU27 and on the due legal process. Given the commitments in the withdrawal agreement, the due process that applies, in terms of the joint committee and the arbitration, would follow. There are clear safeguards in the text that the Prime Minister has negotiated as part of the wider achievements that have been secured in delivering on the referendum. There is an independent coastal approach, and we are coming out of the common fisheries policy and having a skills-based immigration system.

T3. [908063] Dr Paul Williams (Stockton South) (Lab): I welcome the Secretary of State to his post. The North East England chamber of commerce is briefing that, because this deal fails to nail down certainty, it threatens investment and jobs, and businesses in the north-east do not support it. Why is he asking this House to support a deal that will threaten my constituents’ jobs?

Stephen Barclay: If there is an outlier to which the hon. Gentleman refers—I always enjoyed our dealings in my previous ministerial role, given his health expertise—the overwhelming feedback we have received from business is its support for the deal and its desire to see the implementation period. Business does not want the uncertainty of crashing out, but it also does not want the uncertainty of a second referendum.

T8. [908068] Steve Double (St Austell and Newquay) (Con): The legal position of legislation passed by this House is that we will be leaving the EU on 29 March 2019, deal or no-deal. The events of this week, and I suspect next week, make a no deal outcome more likely, so will the Secretary of State ensure that all Government Departments now make ready and prioritise their preparedness for no deal? Does he agree that for the Government not to do that would be a dereliction of duty?

Stephen Barclay: My hon. Friend will appreciate that a key focus for me since taking on this role has been to review the work on the state of readiness and to ensure that those discussions are held with Cabinet colleagues. That is exactly what I am doing, and it is supported by the excellent work of the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Daventry (Chris Heaton-Harris).

T6. [908066] Dr Philippa Whitford (Central Ayrshire) (SNP): As the Secretary of State for stockpiling, can he explain to me how he will maintain a supply of the medical radioisotope technetium, given that its precursor has a half-life of less than three days?

Chris Heaton-Harris: I trust the hon. Lady. I am not trying to scare any vulnerable constituents we might have. I know she does not necessarily trust what a Minister might say, but all she needs to do is look at what other countries are doing to guarantee that the flow of all medical supply continues across borders, by googling what might be going on at the French border, to see that her concerns are unwarranted.

Leo Docherty (Aldershot) (Con): Will the Government consider a parliamentary lock to the backstop?

Stephen Barclay: I very much hear the point that my hon. Friend makes. As I am sure he is aware, I am meeting colleagues and listening to concerns, including those on the backstop. Obviously, we also need to be mindful of the imperative of the guarantee that we have given to the people of Northern Ireland, which was given for a reason, in terms of the peace process and ensuring that we honour the obligations that have been given to the people of Northern Ireland.

Mr Speaker: I call Helen Goodman. She is not here. Oh dear, where is the hon. Lady? I hope she is not indisposed.
T9. [908070] Hywel Williams (Arfon) (PC): On Tuesday, the National Assembly for Wales voted overwhelmingly for a Plaid Cymru motion to reject the British Government’s deal. What notice will the Secretary of State take of this new, emphatic and democratic decision?

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): We always pay attention to what the devolved Assemblies and devolved legislatures do. We, of course, take note of its decision, but it was a UK referendum that decided we should leave the UK, and Wales also voted to leave.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): The Government’s own analysis shows that my constituents will be worse off under this deal, but the Secretary of State argues that they will gain sovereignty and future trade agreements. Can he explain precisely in engineering terms how supply chains between the north-east of England and north-west France, for example, can be replaced by ones with the mid-west of America or Western Australia?

Stephen Barclay: The hon. Lady usually speaks on business matters with great experience, but it is a misreading of the economic analysis to suggest that her constituents will be poorer or less well-off. The issue within the economic analysis is what the impact will be on the rate of growth; it is not whether people will be worse off than they are today. One key achievement of the Prime Minister’s deal is that it keeps open the option of frictionless trade, because it moves from the binary choice that was initially offered, of either a Canada-style or Norway-style deal, and recognises a bespoke option.
Valerie Vaz (Walsall South) (Lab): Will the Leader of the House please give us the forthcoming business?

The Leader of the House of Commons (Andrea Leadsom):
The business for next week will include:

**Monday 10 December**—Continuation of debate on section 13(1)(b) of the European Union (Withdrawal) Act 2018 (day 4).

**Tuesday 11 December**—Conclusion of debate on section 13(1)(b) of the European Union (Withdrawal) Act 2018 (day 5).

**Wednesday 12 December**—Consideration of Lords amendments to the Ivory Bill, followed by a general debate on fuel poverty.

**Thursday 13 December**—A general debate on the public health model to reduce youth violence.

**Friday 14 December**—The House will not be sitting.

The House of Commons is now midway through our historic debate on the Prime Minister’s Brexit deal. Yesterday, my noble Friend Baroness Evans opened the Brexit debates in the other place. Come the meaningful vote on Tuesday, we will have spent about 38 hours debating the deal, on top of the hundreds of hours we have already spent in this place debating our exit from the EU. I hope that, with all views taken into account, and in the final analysis, Members will choose to support the deal we have on the table.

This week we are also midway through the Festival of Light, and I wish everyone in our Jewish communities a very happy Hanukah.

Finally, yesterday was International Volunteer Day. During business questions we often hear about fantastic examples of volunteering from right across our communities, so it is right that we all recognise the fantastic work that they do.

Valerie Vaz: I thank the Leader of the House for the forthcoming business. I note that there is only one week to go and we do not have the business for the final week. Will the Leader of the House confirm that the House will definitely rise on 20 December and return on 7 January? She will know that there are discussions, not quite about Christmas being cancelled, but about the day that the House rises.

I have raised this issue previously and my hon. Friend the Member for Bristol West (Thangam Debbonaire) has asked very nicely a number of times: when will the immigration White Paper be published?

It has been a momentous week, not least for you, Mr Speaker, because you were in the Chair for 14 hours on Tuesday. I suppose some could argue that it kept you out of mischief. I wish to comment on the proceedings because we need to separate them out from the debate on the deal. The Solicitor General said on television that this was a “complete diversion” and a “concocted parliamentary parlour game that should be stopped”.

The Attorney General said that it was time we all “grew up and got real.”—[Official Report, 3 December 2018; Vol. 650, c. 563.]
Mr Speaker: It is extraordinarily kind of the shadow Leader of the House to do that. Perhaps I may be permitted to wish her a happy birthday.

Andrea Leadsom: I also wish the hon. Lady a happy birthday. It is extraordinary. I remember this time last year we were also in business questions. Doesn’t time fly?

I am grateful to the hon. Lady for her many points. Yes, the House will rise on 20 December and return on 7 January, and as the Home Secretary said yesterday in Home Office questions, the immigration White Paper will be published as soon as possible. It is being finalised and will be brought forward. It is obviously important to me, as the person responsible for bringing legislation through, that we get it through in good time.

On the Attorney General and the contempt procedure, I gently point out to the hon. Lady that I was saying that any parliamentarian who finds themselves in government would regret this—that was not in any sense threatening and I slightly personally resent that she is implying that. I was making the point that it remains a fundamental constitutional convention that Law Officers’ advice should not be disclosed outside of Government. If we disclose that advice, it severely constrains future advice being offered in a frank and open way. That was my point. I hope that she accepts that in no way was I attempting to threaten anyone; I was merely stating the facts. While the Government have absolutely complied with the demand of the House, there is a fundamental problem with the overlap between the constitutional convention of confidentiality of Law Officers’ advice and the perfectly legitimate expectation and will of the House, with which I have complied.

I can absolutely confirm to the hon. Lady that, as I said at the start, I hope that all hon. Members will choose to support the deal that is on the table. It is the only deal on the table. On the matter of the local government settlement, we have local government questions on Monday, in which there will be an opportunity for Members to ask the Secretary of State about his plans.

Dame Cheryl Gillan (Chesham and Amersham) (Con): The curse of HS2, the Titanic of the railway world, has struck again with the apparent forced resignation of its third chairman, Sir Terry Morgan, after four months and the extraordinarily rapid public appointment of yet another chairman, Allan Cook, who, I believe, will also be part-time. After three chief executives, five Secretaries of State and six Under-Secretaries of State, we still do not know the real costs of this project, which, frankly, might put the £39 billion being paid to the EU into a box in the corner, because it is looking like it will cost £100 billion. Can we have a full debate on the Floor of the House on the subject so that we can find out what the real costs are, why the corporate governance is so dreadful, what the problems and the risks are, and what the cost-benefit analysis is for the taxpayers of this country, because, frankly, we should be putting this ill-conceived and ill-executed project out of its misery and cancelling it now?
Pete Wishart (Perth and North Perthshire) (SNP): Mr Speaker, I also congratulate you on your endurance over the past couple of days. I hope that you are not having nightmares about big green chairs shouting “Meaningful vote” to you over the course of an evening. I thank the Leader of the House for announcing the most dramatic business for next week. I congratulate my hon. Friend the Member for Walsall South (Valerie Vaz)—for she is a friend—on her birthday today.

Here we are, Mr Speaker. It does feel a bit like the end of Tory days. After doing everything possible to avoid and evade a defeat, the Government have only gone and found a taste for it. After barely a glove being laid on them over the past two years, they endured three defeats in two hours on Tuesday. After acquiring this taste, they have offered themselves up for another hiding on Tuesday—or have they? That is the question. To go through with this vote and almost certain defeat seems almost unnecessarily cruel. It would be like political self-flagellation on an almost Marquis de Sade scale. To endure the indignity of a huge majority against them—most of them from their own Benches—on such a major issue of policy would be unsustainable for the Prime Minister. Can the Leader of the House take this opportunity today to confirm that, whatever happens over the course of the next few days, we will still have this vote regardless of the consequences and that they have no intention of taking it off the table? Can she also tell us a bit about what happens next? Let us hope that she will not be the Grinch of the House who stole Christmas in making sure that Christmas becomes Brexmas for the majority of Members in this House.

Almost laughingly, the Leader of the House has timetabled ordinary business on Wednesday. I think we might be telling hon. Members preparing for the Ivory Bill and the fuel poverty debate not to exercise themselves unduly. No one believes for a minute that it will be business as usual on Wednesday. It is going to be chaotic crisis management peppered with mild panic and served up with a dollop of a probable vote of no confidence in this Government. Can she tell us what provisions she has in place for Wednesday? What is she going to do to ensure that this House will be able to deal with the consequences of the devastating defeat? It is inconceivable that she has no back-up plan, plan B or set of extraordinary measures, and it is time to share them.

We in Scotland are watching this crashing of the UK with increasing alarm and concern, but we are also brushing down our constitutional options, and thank goodness we have them, because although this country may be going down with any arrangements for getting out of the European Union, Scotland most definitely will not.

Andrea Leadsom: My right hon. Friend raises a matter of great importance to her constituency, to mine, to that of my hon. Friend the Member for Banbury (Victoria Prentis) and, indeed, to your own, Mr Speaker. We have all worked together to get the best compensation and mitigation for our constituents, many of whom have very serious concerns about that project. On the very important issue that my right hon. Friend raises, she will appreciate that this is a matter for the Transport Secretary and I urge her to seek to raise it directly with Transport Ministers, possibly in a Westminster Hall or an Adjournment debate.

Andrea Leadsom: I am glad that the hon. Gentleman recognises that so far in this Session the Government have introduced some very significant legislation, and they have not lost any votes. Some extremely important legislation has been passed on automated vehicles and greater fairness to tenants. In fact, 45 Bills have been introduced, 30 of which have received Royal Assent. There are nine exit-related Bills in Parliament, and those that have already received Royal Assent include the Nuclear Safeguards Act 2018, the Sanctions and Anti-Money Laundering Act 2018, the Haulage Permits and Trailer Registration Act 2018 and the Taxation (Cross-border Trade) Act 2018.

If that were not enough, the House has also achieved some extraordinarily good things for our country through private Members’ Bills. I am delighted that the Stalking Protection Bill of my hon. Friend the Member for Totnes (Dr Wollaston) has completed its Third Reading here, as has the Parking (Code of Practice) Bill of my right hon. Friend the Member for East Yorkshire (Sir Greg Knight). Enormous progress is being made in this House, so I am grateful to the hon. Member for Perth and North Perthshire (Pete Wishart) for pointing that out.

I can tell the hon. Gentleman that, yes, the meaningful vote will go ahead next week, as announced. He mocked, albeit gently, the business I announced today for next week. Although we do have very serious issues around our exit from the EU, it is incredibly important that we look at and take note of the serious challenges faced by those in this country suffering from fuel poverty, and indeed the broader global issue of the hideous trade in ivory that this country is determined to be one of the first to stamp out finally. The hon. Gentleman mocked last week’s business, when we brought forward the Offensive Weapons Bill, seeking to prevent young people from accessing knives online. These are very important pieces of legislation, and this House can be proud of our achievements so far.

The hon. Gentleman talks about the Scottish constitution and what the Scots think. I would gently point out to him that the Scots said very clearly in 2014 that they wanted to remain a part of the United Kingdom. As a democrat, he should accept the will of the people. In 2016, the people of the United Kingdom decided that they wanted to leave the European Union. Again, he should accept the will of the people. The problem with the hon. Gentleman is that he only thinks about what he wants, not what the people want.

Sir John Hayes (South Holland and The Deepings) (Con): Benjamin Disraeli said: “Upon the education of the people of this country the fate of this country depends” yet this week Ofsted reported that, for our 1.3 million children with special educational needs, support is “disjointed and inconsistent”. Notwithstanding the good work of Gosberton House School, the Garth School and Priory schools in my constituency and many others, that report goes on to say that many of these pupils spend years out of school, thousands are left unplaced and, most disturbingly, some of our most vulnerable children’s whereabouts are altogether unknown. Can we have an urgent statement from Ministers on how we are going to respond to this national scandal? If our fate is dependent upon education, our humanity is defined by
how we regard and respond to the needs of the most vulnerable; they deserve our care and their chance to prosper.

Andrea Leadsom: My right hon. Friend is right to raise the issue of how children with special educational needs are supported through their early years, and I am sure that, in his usual way, he will find the opportunity to raise the issue directly with Ministers, perhaps through an Adjournment debate. Some 86% of schools in this country are now classed as good or outstanding, compared with only 68% in 2010, and 1.9 million more pupils are now in good or outstanding schools. That is incredibly important, and it demonstrates the Government’s commitment to ensuring that every child gets a good education.

Ian Mearns (Gateshead) (Lab): I am glad to learn that Christmas has not been cancelled, and I and the hon. Member for Harrow East (Bob Blackman) are very much looking forward to meeting the Leader of the House next Tuesday to discuss the hiatus in Backbench Business Committee debates in the House. As I said last week, by next Thursday it will have been eight weeks since we had any Backbench Business in the House, and I am pretty sure that when the Committee was established, the Standing Orders were written with the intention that the 27 days of parliamentary time would be over a one-year Session, not over two years. I remain disappointed that we are not getting any additional time, or notification of additional time, and I have written to the Chair of the Procedure Committee to ask the Committee to look into that, and into the Government’s interpretation of the Standing Orders.

Members may have noticed that the O2 phone network was down this morning, which also affected customers of Sky, Tesco, Giffgaff and Lycamobile. Thirty-two million subscribers have been without mobile telephone coverage since 5.30 this morning, which has also affected emergency services and bus networks. Will the Leader of the House ask the relevant Department to investigate the issue and consider what implications there might be, particularly for coverage of those emergency services?

Andrea Leadsom: The hon. Gentleman will appreciate, I am sure, that it was not possible to find time for the Backbench Business Committee in next week’s business, but as I said last week, I look forward to meeting him to discuss the issue.

The hon. Gentleman raised an important point about phone networks, and I urge him to raise that matter directly with Ministers next week during questions to the Department for Digital, Culture, Media and Sport.

Bob Blackman (Harrow East) (Con): I join the Leader of the House in wishing everyone a happy Hanukkah, and I look forward to attending the annual reception in your house later this afternoon, Mr Speaker.

My constituents in Stanmore are suffering a crisis of aggravated burglaries. These are not normal burglaries where people break in and steal things; these involve gangs of five or six people who break in, beat up the residents and steal their possessions, including their address books so that they can move on to the next people. May we have a debate in Government time on how we deal with that epidemic, and the crisis in our society of aggravated burglaries in which people suffer not only the loss of their possessions, but personal injury as well?

Andrea Leadsom: I am genuinely sorry to hear about the problems experienced by my hon. Friend’s constituents, which are completely unacceptable, and I encourage him to seek an Adjournment debate so that he can raise that issue. I know from my constituency that the police are concerned that sometimes residents do not report crimes—indeed, they would want us to encourage our constituents always to report any crime they experience, because so often that assists police to form a picture of what is going on, and to get the intelligence that enables them to make arrests. My hon. Friend will be aware that the resources available to police during this funding period have been increased, and it is for police and crime commissioners to make decisions on policing priorities. I am sure he is in contact with his own police and crime commissioner.

Paula Sherriff (Dewsbury) (Lab): Frankly, we could all do with a little bit of Christmas cheer in this place this week, so I will briefly speak about Derek Highe from Robin Royd Avenue in Mirfield. He lights up his house every year, and has raised more than £40,000 for charity, including for Kirkwood Hospice. In this case seeing really is believing, and I encourage people to visit www.robinroyd-xmas-lights.co.uk to see it for themselves, if they do not want to or cannot visit Mirfield. May we have a debate on how our local communities contribute so much at this time of year, whether by donating to food banks or raising money for charity?

Andrea Leadsom: I am grateful to the hon. Lady for the Christmas cheer we all up; I also love to see the houses that have been made bright and friendly for the whole community by people who have gone to enormous lengths. I encourage colleagues to pop around to my office. We have a few Christmas decorations up there as well, although probably nothing like as good as the ones in Robin Royd Avenue. I pay tribute to her constituent for the excellent work he is doing in raising money for charity.

Mr Ian Liddell-Grainger (Bridgewater and West Somerset) (Con): The Leader of the House is well aware of the situation between Taunton Deane and West Somerset, which is my council. The amalgamation is now going so wrong—so many people have decided to leave the council that it is having to raid the housing revenue support grant to pay the redundancies. First, that is immoral, and secondly I hardly think it is legal. Can we please have a debate on this? Certain councils may be bailed out—mine is not, so we are living at our edges. Can we have time in the House to discuss the matter?

Andrea Leadsom: As my hon. Friend will be aware, Housing, Communities and Local Government questions are on Monday 10 December. I encourage him to raise the matter directly with Ministers.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): This is the first opportunity I have had to apologise to the Leader of the House: the last time we were together in the Chamber, I said that she “flounced”. I did not realise that that was a disrespectful or sexist term, but I used it and I apologise profoundly.
While we have her in a good mood, can I ask the right hon. Lady for an early debate on the status and respect given to the Bank of England and its Governor? I have been in this House for quite some years, and I cannot remember a time when Ministers have so reviled the Governor of the Bank of England—undermining the work that the Bank is doing in independently telling us that there is no deal better than staying in the European Union. Can we have a debate on how the Bank of England—this wonderful institution—can get back to full respect from all parties in this House?

Andrea Leadsom: I am really grateful to the hon. Gentleman for his apology, which is unnecessary—he had already apologised to me privately. I have been practising my florunce, although I am not sure I have perfected it yet. [Interruption.] It is something like that—[Laughter.] I was not quite sure what a florunce was. I know that the hon. Gentleman’s daughters told him off; I would like to put that on the record—we know when we see a bit of sexism.

The hon. Gentleman raises a very serious issue about the ancient institution of the Bank of England, to which we all in this place owe a great debt of gratitude given its determined pursuit of the national interest over many years. Colleagues have different views about how different spokespersons for the Bank of England represent their views, and it is right that we allow freedom of speech in this place. But the hon. Gentleman’s fundamental point is about the importance of the Bank of England, and I share his great regard for it.

Rachel Maclean (Redditch) (Con): In Redditch, I am supporting an excellent charity called Charlotte & Craig Saving Hearts Foundation in its campaign to get first aid on to every school curriculum. May we have a debate in Government time about how we create a national of lifesavers and get cardio-pulmonary resuscitation—CPR—in every school curriculum?

Andrea Leadsom: I think my hon. Friend would find a lot of support across the House for that; I congratulate her constituents on their initiative in trying to get it on to the agenda. She might want to seek a Westminster Hall debate so that hon. Members, who I am sure would have a lot of sympathy with the issue, can share their views.

Ruth Smeeth (Stoke-on-Trent North) (Lab): On Tuesday night in my constituency, there was significant violence at the away end of the Port Vale and Stoke City derby football match. I thank the police and emergency services for their work. Can we have a debate in Government time on the rise of football hooliganism in parts of our country?

Andrea Leadsom: I am sorry to hear about the experience of some of the supporters in the hon. Lady’s constituency. Any rise in football hooliganism is absolutely unacceptable. It used to be a problem in the past and we do not want it to come back again. DCMS questions are next Thursday and I encourage the hon. Lady to raise it with Ministers then.

Robert Halfon (Harlow) (Con): Can we have an urgent statement on protecting public libraries? In a potential act of barbarism and cultural vandalism, Essex County Council is threatening to close libraries in disadvantaged and deprived areas of my constituency of Harlow—a disgraceful decision. These libraries are treasured by the community and schoolchildren as an important place of reading. Will my right hon. Friend work with the Secretary of State for Culture, Media and Sport and get these cuts reversed?

Andrea Leadsom: My right hon. Friend raises an incredibly important point. We all know the value of libraries in our communities. It is not just about accessing books; many other community activities take place, bringing people together and providing them with support and guidance. The Government are committed to seeking a sustainable future for libraries. As he will be aware, local authorities in England have a statutory duty to provide a comprehensive and efficient library service. I am aware that Essex County Council’s consultation on its proposals closes on 20 February. I am sure that he and his constituents will want to participate in that consultation.

Thangam Debbonaire (Bristol West) (Lab): It is just not good enough to say, “It’s coming—it’s on its way.” The immigration Bill is necessary for my constituents, whether they work in the creative industries and want to be able to continue to tour around the European Union over the coming years as they do now, work in some other service industry, or are EU citizens themselves. When, when, when will we see the immigration Bill and White Paper?

Andrea Leadsom: As the Home Secretary said yesterday, it will be brought forward soon. As I have just said, it will be as soon as the specifics around the policy are finalised. The hon. Lady, as an Opposition Whip, will be involved in usual-channels discussions, and I encourage her to make her views continually known, as she always does.

Douglas Ross (Moray) (Con): May we have a debate to celebrate the local fundraisers who we all have in our constituencies? I would like to make a special mention of Nancy Jamieson from Keith, who every October since 2005 has cycled 100 miles to raise funds for breast cancer charities and in that time has raised over £13,000. Will my right hon. Friend join me in congratulating Nancy on her great efforts, particularly this year, because when she started she was 89 and when she finished she was 90, having celebrated a very significant birthday at the end of October?

Andrea Leadsom: It is obviously something in the air: my hon. Friend’s constituents are extraordinary people and he is absolutely right to praise them as he so often does. The desire to raise money for charitable causes is one of the best human qualities and one that we should all celebrate and encourage. I would like to join him in congratulating Nancy Jamieson and the extraordinary achievement of cycling 100 miles at the age of 90, for which she deserves a huge amount of praise.

John Cryer (Leyton and Wanstead) (Lab): I am pleased that we are due to have a debate on youth violence next Thursday; we will see whether it actually happens. I support the hon. Member for Harrow East (Bob Blackman) in calling for a debate on burglary. I have seen in my constituency a rise in burglary and aggravated burglary.
That is not entirely unconnected with the fact that three police stations have closed in my constituency. We do not have a single police station, so that deterrent has completely disappeared. May we have a debate on this?

Andrea Leadsom: As I said to my hon. Friend the Member for Harrow East (Bob Blackman), I am very sorry to hear of the ongoing problem of aggravated burglary in the hon. Gentleman’s constituency. He will know that many of the decisions around police station closures are to do with the tendency of people to prefer to report crime via the telephone or online. Nevertheless, it is absolutely vital that police and crime commissioners take the steps necessary to keep their communities safe. I encourage him perhaps to raise this through an Adjournment debate.

Philip Davies (Shipley) (Con): May we have a debate about Northern Rail and its appalling track record—if you will excuse the pun, Mr Speaker? My constituents repeatedly experience trains being cancelled, often at rush hour, so they are late for work, or trains that are completely jam-packed, sometimes so jam-packed that they cannot even get on the next train and are even later for work. Northern Rail is showing a complete disregard for its customers, and the Government really need to do something to make it to get a grip of the situation. Please can we have a debate, because my constituents and I are getting greatly frustrated by its incompetence?

Andrea Leadsom: My hon. Friend is quite right to raise that issue. The disruption to rail passengers has been completely unacceptable. He will be aware that the Department for Transport is seeking resolution of the issues and that there is massive investment going into rail infrastructure, to ensure that we have better passenger experiences, but I encourage him to raise that directly with Rail Ministers.

Liz McInnes (Heywood and Middleton) (Lab): At the launch of the Institute for Public Policy Research report on social mobility this week, the Child Poverty Action Group reported that out of every class of 30 schoolchildren, nine of those children are being brought up in poverty, and six of those have at least one parent in work. May we have an urgent debate on child poverty in the UK, as also identified by the report from the UN rapporteur?

Andrea Leadsom: The hon. Lady raises a very important point. We, as a Government, are absolutely committed to taking care of and protecting children, and that is why we challenge the report to which she referred. In fact, there are fewer children and families in absolute poverty than there were in 2010. There are over 3 million more people in work than there were in 2010, which means more people with the prospect of securing a living for their families, and inequality is at its lowest level ever. Just because the hon. Lady makes those assertions, it does not make them true.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): May we have a debate on the great job that Parliament TV does, allowing our constituents to see what we do in this place and hold us to account? I am pleased to report to the Leader of the House that a clip of her highlighting the failures of the SNP in this place attracted more than 60,000 views on my Twitter feed.

Andrea Leadsom: I am always delighted to hear about the importance of the Westminster operation to constituents in Scotland, which demonstrates their commitment to remaining a part of the United Kingdom and the relevance of what we discuss here. My hon. Friend’s determination to support his constituency interests is admirable, and I commend him for it.

Several hon. Members rose—

Mr Speaker: Ah, Mr Snell is wearing a most engaging tie.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): Thank you very much, Mr Speaker. [Interruption.] My shirt is not tucked in. My late grandmother would be appalled that I was not correctly attired.

Last week, I asked the Leader of the House whether she could use her offices and influence to help progress Lord McColl’s Modern Slavery (Victim Support) Bill. She told me that she was tabling extra days for private Members’ Bills, but she will know that the list of private Members’ Bills waiting to be heard is so long that Lord McColl’s Bill may not make it through. May I ask her again to use her influence to try to get the Bill at least into Committee, so that it can be scrutinised by Members of this House?

Andrea Leadsom: First, may I say that I think the hon. Gentleman looks entirely smart?

Sir Nicholas Soames (Mid Sussex) (Con): Well, up to a point.

Andrea Leadsom: Less heckling from my right hon. Friend.

I am sure the hon. Gentleman’s late grandmother would be very proud of him. He raises a serious point about days for private Members’ Bills. As he knows, I have sought to provide a further six sitting Fridays for private Members’ Bills to make progress. Unfortunately, that was objected to, and an amendment was tabled to reduce that number to five. Those discussions are ongoing through the usual channels, and I hope to come forward soon with an alternative proposal.

Jeremy Lefroy (Stafford) (Con): A constituent of mine bought three tickets earlier this year for the BBC Biggest Weekend concert in Swansea through Viagogo. She expected to pay £50 overall. The confirmation said that she had paid £1,772.41. The bank refused to make that payment, but Viagogo then put a £1 charge through, as a gateway to take the full amount. She has taken it up with the bank and Viagogo, and I have taken it up, but we have not had any positive response. May we have a debate on that kind of behaviour and total corporate irresponsibility—I would almost say corporate theft?

Andrea Leadsom: My hon. Friend raises what sounds like a case of appalling behaviour by a private company, and he is right to do so in this place. We have Digital, Culture, Media and Sport oral questions next Thursday, and I encourage him to take it up with Ministers then.
**Matt Western** (Warwick and Leamington) (Lab): In 2015, seven-year-old Rowan Fitzgerald, a constituent of mine, died in a bus crash. Last week, having pleaded guilty, Midland Red—part of Stagecoach—was sentenced and fined under the Health and Safety at Work Act 1974. At the time of the accident, the driver was 77 years old and had worked an average of 72 hours in the four weeks up to and including the week of the tragedy. Currently, this is not illegal, as short-distance local bus drivers can work unlimited hours. Will the Leader of the House consider having a debate on limiting working hours for local bus drivers to ensure that a tragedy like this is never allowed to happen again?

**Andrea Leadsom:** The hon. Gentleman raises a really tragic case, and I know we were all desperately sorry to hear of it. He raises an important point about the number of hours that individuals are allowed to work, and I encourage him to raise it directly with Business, Energy and Industrial Strategy Ministers and Transport Ministers. There is always a balance to be struck between ensuring that people are fit for work and enabling them to earn a living, but he raises a very important point.

**Vicky Ford** (Chelmsford) (Con): This year has been a fabulous one for women in Parliament, and it would be excellent if this centenary year could leave a lasting legacy for those to come. Yesterday, the all-party group on women in Parliament—I encourage women from across the Floor to come along—met Professor Sarah Childs to look at her report on “The Good Parliament” and see what more can be implemented. Given the support from across this Chamber for proxy voting for baby leave, does my right hon. Friend think that we could make more progress on that before the end of this centenary year?

**Andrea Leadsom:** First, I congratulate my hon. Friend on her work as chair of the all-party group on women in Parliament. I repeat to her that I am absolutely committed to ensuring the Government do all they can to allow new parents to spend that vital early time with their new babies. We had a valuable debate during the September sittings, and as I confirmed in the debate, I will bring forward a substantive motion on proxy voting as soon as I can.

**Nick Thomas-Symonds** (Torfaen) (Lab): I join the hon. Lady in congratulating Dorothy Hyman on her win 50 years ago. I wish the hon. Lady success in promoting her constituent at the forthcoming sports personality of the year trophy. I encourage her to raise the issue at DCMS questions next week.

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**Bob Stewart** (Beckenham) (Con): May we have a debate on recognising great British sporting heroes, including Cudworth resident Dorothy Hyman, and my campaign to secure her BBC sports personality of the year trophy 50 years after it was originally awarded to her?

**Andrea Leadsom:** I join the hon. Lady in congratulating Dorothy Hyman on her win 50 years ago. I wish the hon. Lady success in promoting her constituent at the forthcoming sports personality of the year trophy. I encourage her to raise the issue at DCMS questions next week.

**Daniel Zeichner** (Cambridge) (Lab): Conservative-run Cambridgeshire County Council has sent a miserable Christmas present to their staff this year by demanding they take three days unpaid leave at Christmas—effectively a 1.2% pay cut. May we have a statement from a Minister to explain the mess they have made of local council finances?

**Andrea Leadsom:** I am sorry to hear about the situation for the staff in the hon. Gentleman’s local area. I wish them all a very happy Christmas in spite of it. He will be aware that the local government finance statement will come forward soon. I suggest he raises it with Ministers then.
Chris Green (Bolton West) (Con): The hospice movement does a fantastic amount of very good work, none more so than Derian House in the constituency of my parliamentary neighbour, the right hon. Member for Chorley (Sir Lindsay Hoyle). May we have a debate on the difference in state support between the general hospice movement and children’s hospices, such as Derian House? Normal hospices receive about 30% of their income from Government support, while children’s hospices receive about a third of that. May we have a debate on closing that gap?

Andrea Leadsom: I am grateful to my hon. Friend for raising such an important matter. Hospices across the country provide vital respite, as well as end-of-life care. To compensate for the lower levels of funding that children’s hospices receive, NHS England provided £111 million in 2018-19 through the children’s hospice grant, which is awarded annually. I can tell him, however, that end-of-life care is an important part of the proposals that are helping to shape the long-term plan for the NHS. The children’s hospice grant is being considered as a part of that.

Marsha de Cordova (Battersea) (Lab): In my constituency, Wandsworth Council is planning to close York Gardens children’s centre and to cut universal stay-and-play for nought to three-year-olds at the Yvonne Carr children’s centre. Parents have got in touch with me to share their concern, worry and dismay at the move by the council. Like parents across the country, they recognise the importance of children’s centres and they rely on them. May we have a debate in Government time to discuss Government funding and funding for children’s centres?

Andrea Leadsom: I share the hon. Lady’s enthusiasm for children’s centres and the work they do right across the country. They really do provide valuable support for new families and families with young children. She will be aware that councils are receiving over £200 billion to deliver local services, including children’s services, up to 2020. The Government are setting out to provide local councils with the financial support to be able to provide for the needs of their own local communities.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): In 2012, a decision was taken by the Government to dissolve the University of Aberdeen’s Royal Naval Unit and merge it with Edinburgh. I campaigned against that decision as a student and I am campaigning to overturn it now as an MP. URNUs are brilliantly positive organisations, affording students a great opportunity to experience life with the Royal Navy and doing much for the visibility of the Royal Navy in the wider world. Will my right hon. Friend grant a debate in Government time to debate the importance of University Royal Naval Units not just to the universities and communities that they serve, but to our senior service?

Andrea Leadsom: University Royal Naval Units offer dedicated training facilities in or around universities, and they certainly spread much needed awareness of the role of the Navy to students. They open up huge opportunities for students right around the country so I fully understand my hon. Friend’s disappointment about the 2012 closure of his closest URNU in Aberdeen. I understand that the relocation to Edinburgh captures a greater number of students and offers easier access to waters, but I suggest that he perhaps seeks an Adjournment debate so that he can discuss further his concerns.

Albert Owen (Ynys Môn) (Lab): May I ask the Leader of the House for a debate on the UK shared prosperity fund? Many communities, including my own of Ynys Môn, have been beneficiaries of the European social fund. The clock is now ticking and many of those communities need to do planning for post-2020, so that the poorest communities in our country can get the help and support that is needed.

Andrea Leadsom: The hon. Gentleman will be aware that the UK shared prosperity fund will replace the previous EU funding. In fact, the priority for debate today is the economic proposals under the meaningful vote debate, so he might well wish to raise that later today.

Paul Masterton (East Renfrewshire) (Con): May we have a debate on the benefit of the Men’s Sheds movement in tackling social isolation and loneliness? Last week, the Barrhead Men’s Shed celebrated its fifth birthday, and I was absolutely delighted to congratulate it on its work, so will my right hon. Friend join me in congratulating Alex Storrie, Alex Locke, Bill Core, Fiona Currie and all the shedders at Barrhead Men’s Shed for everything that they do for our community?

Andrea Leadsom: That is a shedload of congratulations to all those in his constituency who are doing such good work to support men’s mental health and other mental health issues. I am delighted to share in his congratulations to them.

Patrick Grady (Glasgow North) (SNP): I do not know whether I should admit this as a Whip, but when I went into the Lobby on Tuesday, I was slightly concerned about the number of Conservative Members and I thought that I had walked into the wrong one. Of course, this coming Tuesday, there is the likelihood of people walking into all kinds of Lobbies that they are not normally accustomed to, so can we not finally reform this totally arcane procedure, which is leading to crushes and delays, and get on with it, modernise the system and introduce electronic voting?

Andrea Leadsom: I would have thought that the hon. Gentleman would have loved to be in the same Lobby as some of my hon. Friends and to be able to share and enjoy the moment. He does raise an important point. I know that this House has considered alternative methods of carrying out our business. If he wanted to discuss it with the Procedure Committee and if the Committee wanted to have an inquiry, I would be delighted to look at it, but as he and all other hon. Members will notice, every time I put forward a motion, somebody objects to it—it just seems to be par for the course these days.

Ian Murray (Edinburgh South) (Lab): My constituent, who wishes to remain anonymous, is being treated for severe depression and has contemplated suicide as a result of the retrospective tax changes that the Government introduced in the Budget last year. He runs a small business and is a family man. He is just about to lose his house and his business because he is being pursued by Her Majesty’s Revenue and Customs. Could we have a
statement in this House from the Chancellor about the impact of retrospective tax changes on people’s livelihoods and homes?

Andrea Leadsom: I am very sorry to hear about the hon. Gentleman’s constituent. It is always incredibly difficult when somebody comes up against an issue that was unexpected for them, and I hope that his constituent will find a way through this difficult time. I just say to the hon. Gentleman that we have the Chancellor of the Exchequer here shortly to open the debate on today’s economic assessment of the withdrawal agreement and political declaration, and indeed, we have Treasury questions next week, so there are plenty of opportunities for the hon. Gentleman to raise this matter.

Clive Efford (Eltham) (Lab): Does the Leader of the House share my interpretation of the passing of the amendment from the right hon. and learned Lady will have ample opportunity over the next few days of debate to raise specific questions with Ministers about what the Government’s response should be to the findings of that judicial review.

Andrea Leadsom: The practical impact of the Grieve amendment is that if we are not successful in winning the meaningful vote, the Government will return to Parliament to set out their next steps. The amendment means that at that point the Commons will be able to express its view by tabling amendments to the Government’s preferred way forward. I should add that the Prime Minister remains fully focused on the importance of winning the vote on Tuesday, and is determined to do so.

Joanna Cherry (Edinburgh South West) (SNP): At 8 am on Monday, the Grand Chamber of the Court of Justice of the European Union will issue its final judgment on the question of whether article 50 can be revoked—and revoked unilaterally—in response to the case brought by me and by a number of other Scottish parliamentarians. Yesterday the Prime Minister acknowledged that it was highly likely that the Grand Chamber would follow the Advocate General’s opinion.

Given the considerable amount of public money that has been expended by the Government in fighting me and my fellow petitioners through the Scottish courts, the UK Supreme Court and the Court of Justice of the European Union, does the Leader of the House agree that the UK Government owe it to the people of this country—the taxpayers—and the House of Commons to come to the House on Monday and make a statement about the outcome of the case and how they intend to proceed, and justify the expenditure of public money to prevent the House and the people of the United Kingdom from knowing the answer to that question?

Andrea Leadsom: As the hon. and learned Lady will appreciate, a democratic vote in the 2016 referendum determined that the United Kingdom would leave the European Union, so the issue of whether the United Kingdom could choose not to leave the European Union is not one that the Government are minded to pursue. Nevertheless, the hon. and learned Lady will have ample opportunity over the next few days of debate to raise specific questions with Ministers about what the Government’s response should be to the findings of that judicial review.

Andrea Leadsom: The hon. Gentleman paints a horrendous picture of the plight of the Christians who have been so badly treated by Daesh and the terrorist attacks that have taken place. He is absolutely right to do so, and I encourage him to seek a further Westminster Hall debate. I know that he secured one recently and will have raised a number of these issues then, but it is very important that the House always remains aware of what is going on, and, of course, that we continue to support all those who are being so terribly abused.

Jim Shannon (Strangford) (DUP): The Leader of the House will be well aware of the displacement of 100,000 Christians from Mosul as a result of Daesh’s campaign of terrorism. Rudaw reports that Daesh has destroyed thousands of Christian homes, and as well as 120 churches and Christian shrines in Mosul alone. It is estimated that the renovation of those properties would cost a minimum of $12.5 million. While thousands of displaced Christians have returned to the Nineveh plains, only a few have returned to Mosul. Their houses remain destroyed, and the security situation is unpredictable. More must be done to help these people. Will the Leader of the House arrange a statement or a debate on this very concerning matter?

Andrea Leadsom: The hon. Gentleman has raised an important point, and I am sure that he will wish to raise it with Ministers directly during questions to the Secretary of State for Work and Pensions at the next opportunity. Let me add, however, that universal credit overall is designed to help people, to get them back into work, and, when necessary, to give them more support. Since last year’s Budget we have scrapped the waiting days and increased advance payments to 100%, and we are now paying two weeks’ housing benefit to people moving on to universal credit. We have also formed a partnership with Citizens Advice in order to deliver universal support that helps claimants through every step of making a claim.

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investment has been 14% higher on average than under Labour, and we have embarked on the biggest rail programme since Victorian times and the largest road-building programme since the 1970s. The northern powerhouse and the north of England have significantly benefited from this Government’s commitment to developing an infrastructure that is fit for the 21st century.

Justin Madders (Ellesmere Port and Neston) (Lab): On 23 November the PSA Group announced another 241 redundancies at Vauxhall in Ellesmere Port; when they have been completed we will have lost over half the workforce in just a year, so as the Leader of the House can understand there is real anxiety about the future of the plant. May we have a statement about what the Government can do to protect this vital piece of manufacturing in my constituency?

Andrea Leadsom: I am very sorry to hear about the further redundancies in the hon. Gentleman’s constituency. He will be aware that the Jobcentre rapid response team will be available to seek to redeploy staff who have lost their jobs, but this is a very difficult time of year and they deserve our sympathy. The hon. Gentleman might well wish to raise this issue at Treasury questions next week.

Conor McGinn (St Helens North) (Lab): St Helens Council has lost 71% of its funding since 2010, so while it has not welcomed the local government funding settlement that has at least provided certainty from which to plan, Will we have the announcement before Christmas, and if so will the Government leave us a few quid under the council Christmas tree, as opposed to taking the presents back up the chimney?

Andrea Leadsom: As I have already said to other colleagues, we have Ministry of Housing, Communities and Local Government questions on Monday, and I encourage the hon. Gentleman to raise that matter there.

Diana Johnson (Kingston upon Hull North) (Lab): And in other news this week, the Select Committee on Transport found the Transport Secretary culpable of the timetabling chaos earlier this year, January’s rip-off rail fares have been nodded through, and, as my hon. Friend the Member for Bradford South (Judith Cummins) just said, IPPR North research shows that spending fell by £18 per person in Yorkshire and the Humber since the launch of the northern powerhouse in 2014 while increasing by £326 per person in London. Moreover, Crossrail 1 is demanding the third bail-out within a year, and the chair of HS2 has resigned after just four months. Given this and the Transport Secretary’s trail of calamity from the DWP through Justice and into Transport, may we now have a debate on why he seems to be unsackable?

Andrea Leadsom: I refer the hon. Lady to the answer I have just given about this Government’s commitment to the northern powerhouse and to ensuring we develop an infrastructure that is fit for the 21st century. Over the past few months unacceptable. He has a very broad-ranging review under way to look at what can be done differently in future to ensure we get the better journeys and the better fare structure that our passengers deserve.

Carol Monaghan (Glasgow North West) (SNP): The UK does not produce radio isotopes that are used in medicine for cancer diagnosis and treatment. At the moment Euratom guarantees the time-critical delivery of these materials, so may we have an urgent debate on the arrangements for the supply of these materials—radio isotopes in particular—in medicine post-Brexit?

Andrea Leadsom: I understand from colleagues on the Front Bench that this question was raised just now in Department for Exiting the European Union questions and reassurances were given. The Government are preparing for all eventualities, including ensuring that radio isotopes for medical purposes remain available in the event of all outcomes, including no deal.

Vicky Foxcroft (Lewisham, Deptford) (Lab): Next Thursday, we are having a debate on tackling youth violence with a public health approach, and I want to ensure that we can inform the debate better. Will the Government provide a written statement on what they have been doing about this, before the debate? Also, will the Leader of the House ask all the relevant departmental Ministers to attend the debate and at least listen to it even if they do not respond? I genuinely believe that this will help to ensure that we have a good debate on an issue that I and many other Members think is so important.

Andrea Leadsom: As the hon. Lady knows, I completely agree with her that this is a vital issue and that we have to do everything we can. I genuinely believe that the Government are doing everything possible through publishing the serious violence strategy, establishing the serious violence task force and progressing the Offensive Weapons Bill, as well as through many interventions through community projects to try to get young people off a life of crime. And yes, I absolutely will take up with other Departments the hon. Lady’s request for Ministers to attend if they possibly can.

Dr David Drew (Stroud) (Lab/Co-op): The Government have brought forward the national funding formula for schools, which is something I strongly support, but will the Leader of the House organise an urgent debate on those recalcitrant authorities such as Gloucestershire that still refuse to pass the funds through to schools?

Andrea Leadsom: I am glad that the hon. Gentleman recognises the value of the new national funding formula. He will be aware that we are investing more than £1.3 billion up to 2020 to attract new teachers into the profession, and that 1.9 million pupils are now in good outcomes, including no deal.

Chris Stephens (Glasgow South West) (SNP): May we have a debate or a statement on encouraging young people to becoming involved in social enterprise and become young entrepreneurs, as celebrated in early-day motion 1892, which congratulates Erin McGinley,
pupil at St Oswald’s School and a Pollok resident, on being a finalist in the Scottish young entrepreneur of the year awards this year?

[That this House notes the entrepreneurial achievements of Erin McGinley, a talented and inspirational youngster based in Pollok; congratulates her on being shortlisted as a finalist in the Young Entrepreneur of the Year category at the Scottish Entrepreneur of the Year Awards 2018 for her fantastic small business EMO-G; praises her success at the Young Enterprise Awards in April 2018; commends her on winning a Caritas Award earlier in the year; and wishes her a very successful future in all that she does.]

Does the Leader of the House agree that we should encourage and support all such talented and inspirational young people?

Sir Mike Penning (Hemel Hempstead) (Con): Worth waiting for.

Andrea Leadsom: Absolutely! That was very much worth waiting for, and I congratulate Erin on being a finalist. That is fantastic news and a great achievement. We all celebrate the achievements of young people, particularly when they want to get involved in raising funds for charities or in starting their own businesses. That is absolutely the right way to go, and I join the hon. Gentleman in congratulating Erin.

Members’ Interests
(Standing Order 149(1)(a))

Boris Johnson (Uxbridge and South Ruislip) (Con): On a point of order, Mr Speaker. You will be aware that the Committee on Standards has today published a report on nine payments, mainly unexpected foreign royalties, which I am very sorry to say were recorded late on the Register of Members’ Financial Interests. I fully accept that the delay was a breach of the House’s rules and, though I am grateful to the Committee for recognising that there was no intention to mislead the House and that I have been completely transparent, I therefore offer the House a full and unreserved apology.

Mr Speaker: I am very grateful to the right hon. Gentleman for what he has said, and for the way in which he has said it. He has been very prompt, and that is appreciated. We will leave the matter there.
European Union (Withdrawal) Act

[3rd Allotted Day]

Debate resumed (Order, 4 December).

Question again proposed.

That this House approves for the purposes of section 13(1)(b) of the European Union (Withdrawal) Act 2018, the negotiated withdrawal agreement laid before the House on Monday 26 November 2018 with the title ‘Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community’ and the framework for the future relationship laid before the House on Monday 26 November 2018 with the title ‘Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom’.

Mr Speaker: Just before I call the Chancellor of the Exchequer to resume the previously adjourned debate, I want to make two points for the benefit of the House. First, I said yesterday, and I think it is worthy of repetition today, that although this is in one respect a seamless debate running over a period of five sitting days, colleagues should know—and if they have forgotten, be reminded—that there are wind-up speakers each day from the Front Benches. The implication of that for colleagues should be unmistakable. If right hon. and hon. Members wish to speak in the debate, they should be sure to be present for the winding-up speeches, and they should have a pretty good—if not precise—idea of when those speeches will be delivered. I will keep a record, but this is an important convention, and it really is unacceptable for a Member to speak and then take the attitude that he or she has many commitments and a very full diary and must be elsewhere and cannot possibly be present for the winding-up speeches. That really is unacceptable in parliamentary terms, so I am sure that Members will want to comply with the convention.

Secondly, perhaps I can be forgiven for saying, as I happen to know, that the last time I looked no fewer than 75 right hon. and hon. Members had indicated to me that they wish to catch my eye today. From the Chair’s point of view, and in terms of the efficiency of chairing and of the proceedings, it would be much appreciated if colleagues did not beetle up to the Chair to inquire where they are on the list, how long it will be before they are called, etc. The usual channels are on the case. I politely say to colleagues that the Chair will, as always, do his level best to get everybody in, but the merits of patience can scarcely be overstated. With that, I invite the Chancellor of the Exchequer to resume the debate.

11.51 am

The Chancellor of the Exchequer (Mr Philip Hammond): Thank you, Mr Speaker. I welcome the opportunity to take part in this debate today and to make the case to the House for backing the Prime Minister’s Brexit deal, ensuring a smooth and orderly departure from the European Union, delivering on the referendum decision of the British people and, at the same time, securing a close economic and security partnership with our nearest neighbours and most important trading partners. I will also make the case for rejecting the calls from those who would prefer to plunge the country into the uncertainty and economic self-harm of no deal and from those who would seek to undo the referendum decision and, in doing so, fuel a narrative of betrayal that would undermine the broad consent on which our democratic politics is based.

Mr Clive Betts (Sheffield South East) (Lab): The Chancellor said recently that backing the Prime Minister’s deal would be better for the country than remaining in the EU. However, during the referendum campaign in February 2016, he said that a yes vote would lead to “very significant uncertainty” and would have a “chilling effect” on the economy. What information can the Chancellor share with the House that has caused him to have such a fundamental change of opinion?

Mr Hammond: I have always recognised that leaving the EU will have an economic cost, but the deal that the Prime Minister has negotiated minimises that cost. Our nation is divided on the issue, and I fundamentally believe that we have to bring the country back together in order to succeed in the future. This deal offers a sensible compromise that protects our economy but delivers on the decision of the British people in the referendum. My judgment is that, if we want to maximise the chances of our nation being successful in the future, this is the right way to go.

Sir Christopher Chope (Christchurch) (Con): Did my right hon. Friend subscribe to the statement in the 2017 Conservative general election manifesto that no deal would be better than a bad deal?

Mr Hammond: Yes. As I have said in this House many times, at the beginning of the process, there were people inside the European Union who were contemplating a punishment deal for the United Kingdom—a deal designed to punish us for having the audacity to decide to leave the EU. Clearly, we could not have accepted such terms for our departure.

Several hon. Members rose—

Mr Hammond: I will give way one more time and then make a little progress.

Ms Nadine Dorries (Mid Bedfordshire) (Con): The Chancellor mentioned no deal, so I wonder whether he can explain what no deal means. My understanding is that the rest of the world trades under World Trade Organisation rules with independent free trade agreements, so there is actually no such thing as no deal, is there? If we do leave—I do not buy the term “crash out”—we will trade on WTO rules, so that does not mean “no deal”, does it?

Mr Hammond: Yes, it is no deal. As I will say later in my speech, if we did leave the European Union without a deal, we would actually be the only advanced economy in the world trading with the European Union on pure WTO terms, with no facilitation agreements whatsoever. In my view, that would be a very bad outcome for the United Kingdom.

Stephen Timms (East Ham) (Lab): I agree with the Chancellor that there will inevitably be an economic penalty from leaving the EU. Does he agree that having to comply with lots of rules set by the EU, over which
we will no longer have any say—that will be the position under the withdrawal agreement—is part of the economic penalty that we will suffer?

Mr Hammond: It depends very much on what those rules are. Rules on the goods acquis, the part of EU regulation that deals with goods, are very stable and have been for many years. We know that our manufacturers in this country will continue to follow EU rules on goods, whether we choose to adopt those rules or not, so I think that the economic price of having such rules would be very small. In other areas, such as financial services, where rules are changing rapidly and where there is a great dynamism in the system, there could be much greater dangers for us in being locked into following rules over which we have no influence. That is why the deal we are putting before the House proposes a very different way forward for goods than for services, and particularly financial services.

I have observed this process at close quarters for two and a half years, and I am absolutely clear about one thing: this deal is the best deal to exit the EU that is available or that is going to be available. The idea that there is an option of renegotiating at the eleventh hour is simply a delusion. We need to be honest with ourselves that the alternatives to this deal are no deal or no Brexit. Either would leave us a fractured society and a divided nation.

Only the compromise of this negotiated deal—delivering on the referendum result by leaving the EU, ending the free movement of people and reasserting our sovereign control over our laws, while at the same time maintaining the closest possible trade, security and cultural links with the European Union to protect our jobs, our living standards and our values—can allow our country to move on. Only that compromise can bring us back together after Brexit is delivered, and we should remember the lesson of history that divided nations are not successful nations.

Maggie Throup (Erewash) (Con): Does my right hon. Friend agree it is important that we have a deal that is not only good for the economy but brings our country together? The deal on the table is one that offers that, and it is one with which we should move forward.

Mr Hammond: I completely agree with my hon. Friend. That is the central theme of what I will say to the House today. Yes, leaving the European Union has a cost, but going back on the decision of the British people would also have an enormous cost for our country.

Sir David Evennett (Bexleyheath and Crayford) (Con): Does my right hon. Friend agree that uncertainty is bad for our economy and very bad for businesses?

Mr Hammond: Yes, and we are already paying a price, and have paid a price, for the uncertainty on our future trading relationship with the European Union. The sooner we can restore certainty, the sooner we can get back on to a path of solid economic growth.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): The Chancellor is being generous with his time. Can he clarify whether the Government’s analysis confirms that the half-baked Brexit deal that they are pursuing will actually leave our country permanently poorer?

Mr Hammond: No. In all scenarios, we expect that economic growth will continue and the economy will carry on growing. What we were looking at in the analysis we published last week is a ranking of five different scenarios based on their impact on the overall size of the economy over a 15-year horizon.

The theme of today’s debate, as Mr Speaker has reminded the House, is the economy, and the economy has always been at the heart of the UK’s relationship with Europe. It was definitely not the lure of political union but the prospect of jobs, wage growth, trade and prosperity that brought Britain into the European Economic Community, as it then was, in 1973—I was there, and I remember. For most of us who campaigned 43 years later to remain in the EU in 2016, it was certainly not the political institutions and the paraphernalia of the Union that provided the motivation to do so, but a hard-nosed appraisal of our economic interests.

The fact is that our economic and trading relationship with the EU has been built over 45 years, during which time our economies have shaped themselves around each other and become inextricably intertwined: supply chains criss-cross borders; workforces draw on talent from across the continent; and a firm in Birmingham can deal with a customer in Berlin as easily as one in Bradford—so much so that almost 65% of all UK trade is now with the EU or through EU trade agreements. These trading relationships and commercial partnerships were not built overnight, but in a no-deal exit many of them would be destroyed overnight, as the market access and free-flowing borders on which they are based were lost. Although new trade partnerships with countries outside the EU undoubtedly offer new and exciting opportunities for UK companies, the analysis the Government published last week is clear that the benefits flowing from new free trade agreements would not compensate for the loss of EU trade from a no-deal exit.

Andrew Selous (South West Bedfordshire) (Con): On Tuesday, the House of Commons Library wrote to me to say:

“The backstop comes into force automatically, if the Withdrawal Agreement is signed, at the end of the transition period.”

This morning, the Prime Minister said:

“If we get to the point where it might be needed, we have a choice as to what we do, so we don’t even have to go into the backstop at that point.”

Can the Chancellor help to explain that because there seems to be a variance between those two statements?

Mr Hammond: The backstop remains as the ultimate default, but the agreement we have negotiated with the EU very importantly gives us the choice, if we are not ready to move to our new future partnership on 1 January 2021, to seek an extension of the implementation period for one or two further years. That is a very important part of the architecture of what we have negotiated. I make no bones about this—I have said it before. In my view, it would be much better for the UK to seek an extension of the implementation period if we need a further period of time before we are ready for the new long-term arrangements, rather than go into the backstop.

Richard Burden (Birmingham, Northfield) (Lab): The Chancellor is making a very good case about what would happen if there were a no-deal Brexit. Indeed, in
his opening remarks he described it as an act of “uncertainty and economic self-harm”. Given that the companies he has talked about, which depend so much on just-in-time deliveries in the motor industry and elsewhere, are most worried and concerned about the prospect of a no-deal Brexit, and as there is clearly not a majority in this House for a no-deal Brexit, although we may disagree about other things, why do we not unite and rule out that option?

Mr Hammond: The way to do that is to support the proposal that the Prime Minister has presented to the House, which represents a compromise, ensuring that we leave the EU and respect the referendum decision of the British people, but do so in a way designed to minimise any negative impact on our economy and maximise the opportunities for this country in the future.

Mr John Baron (Basildon and Billericay) (Con): I totally concur with what my right hon. Friend said about divided nations, but may I urge him to be cautious about relying too heavily on economic forecasts? We all remember the Treasury, the Bank of England and the International Monetary Fund predicting economic woe by Christmas 2016 if we voted to leave, with talk of 500,000 extra unemployed, a do-it-yourself economic disaster and so on. It got so bad that in the end the Bank of England had to publicly apologise for getting it so wrong. Can we just make sure we keep things in perspective with regard to these economic forecasts?

Mr Hammond: I am grateful to my hon. Friend, because he gives me the opportunity to clarify for the House that these are not economic forecasts; they are modelled scenarios for what might happen in different circumstances. Like all economic modelling, they depend to an enormous extent on the assumptions that are made. The assumptions in this paper are transparent and the assumptions that the Bank of England made are also clear. My hon. Friend has made his point about the modelling that was done in 2016. I can only speak for the Treasury and tell him that a huge amount of work has been done since 2016 to update and upgrade the Treasury’s long-term model. That computable general equilibrium model is the one that has been used.

Mr Baron: The one thing that I would suggest to the Chancellor is that the problem with these forecasts is that they do not anticipate a response from the Government to a given set of scenarios. That is one reason why the forecasts in 2016 were so wrong.

Mr Hammond: My hon. Friend is right. Of course, this work seeks to do something quite different: it looks at five different potential scenarios and ranks them in terms of the impact that they would have. I readily concede that it is more important to look at the ranking than the absolute numbers or ranges of numbers attached to them.

Several hon. Members rose—

Mr Hammond: I shall make a bit of progress, then give way again. I was saying that the benefits flowing from new FTAs would not compensate us fully for the loss of EU trade from a no-deal exit. That is why we have fought so hard for a deal that delivers the closest possible trading relationship with the EU, while respecting the outcome of the referendum and giving ourselves the ability to form new trading arrangements with countries around the world. Today, the case for this deal is that, uniquely among the options open to us, it does deliver on our commitment to leave the EU and on our collective duty to protect the jobs and living standards of our constituents.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): While the Chancellor is explaining the deal, will he explain to the House which trade unions he has sat down and briefed on the deal, and what their response was? The feedback that I have had from ordinary trade union members in my constituency is that, although this deal is preferable to no deal, it is still a long way away from the certainty that they would have hoped to have had in the proper arrangement that they were expecting.

Mr Hammond: The deal that is on the table provides the key elements that we will need to maintain our trading relationship with the European Union. It makes a commitment to maintaining our borders as openly and free-flowingly as possible. It eliminates tariffs, quotas, fees and charges. It will protect the vital supply-chain business that is at the heart of our trading relationship with the European Union.

Colin Clark (Gordon) (Con): Does the Chancellor agree with the Governor of the Bank of England that stress tests have shown that under every scenario the financial system is robust? That should give the Government confidence to be equally robust with the EU in future negotiations.

Mr Hammond: The Governor is of course absolutely right. The modelling that the Bank has done has been tested against the financial policy committee’s stress tests to ensure that, even in the worst-case scenario, our financial system would be resilient. The work that we have done since 2010—including increasing banks’ capital ratios and introducing risk-reduction strategies around banks and financial institutions—has ensured that the system will be resilient, even against the most extreme circumstance that the Bank of England has modelled.

Nigel Huddleston (Mid Worcestershire) (Con): With regard to the deal versus no-deal scenario, does the Chancellor agree that the problem with the WTO option is that it is silent on swathes of modern British industry, so it does not cover our economy completely? Aviation is one of the most obvious sectors that is not covered by the WTO option. It is very dangerous for us to go into a situation in which those sectors are not adequately covered.

Mr Hammond: My hon. Friend is right, but I think the most telling point about this issue is the one made regularly by my right hon. Friend the Secretary of State for International Trade. If WTO terms are so fantastic and so good for a trading relationship, why do we need to negotiate free trade deals with all these other countries around the world? We already trade with them on WTO terms, but we clearly believe that we can do much more if we negotiate something better than WTO.
Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): The Chancellor is being very candid. According to his recently published long-term economic analysis, the Government’s two scenarios would result in a hit to GDP or a lowering of the growth rate, of between 3.4% and 6.4% if there is a deal, and of between 6.3% and 9% if there is no deal. Will he confirm that this is indeed the choice the UK are putting before Parliament?

Mr Hammond: The hon. Gentleman is misinterpreting the analysis. These are not rates of GDP growth; this is an estimate of the relative size of the economy at a 15-year horizon under different scenarios. In all scenarios, we expect that GDP growth will recover and continue.

Angus Brendan MacNeil: Will the Chancellor put on the record what he thinks the hits will be? He said in response to a Labour Member that there would be a lower growth rate. What are the percentage differences in the two scenarios—deal and no deal—versus staying in the EU?

Mr Hammond: I am sorry but the hon. Gentleman is wrong. I did not talk about a lower growth rate. I am talking about a smaller overall size of the economy. It is our central view that, once the economy has moved to a new equilibrium, growth will resume in all these scenarios and that our economy will go on getting larger.

Angus Brendan MacNeil: What are the numbers?

Mr Hammond: This is not an economic forecast. It is a modelling of five different scenarios. Our economic growth rate in 2033 will depend on a raft of other issues, not only on the outcome of this debate.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): Is it not the truth that there has not been time to consult with the organised trade unions because the Government have been consulting with the hard-line Brexiteers in the European Research Group instead of putting the national interest first?

My question is this: why did the Chancellor not support his Prime Minister in her pledge to end austerity interest first?

Mr McMahon: This is a deal that secures the rights of more than 1 million UK nationals living in the EU; a deal that takes us out of the European Union and sets a framework for an economic partnership with our European friends and neighbours that is closer than any other they have today, while allowing us to strike free trade agreements around the world; a deal that ends freedom of movement and regains control of our borders, not so that we can shut down immigration, but so that we can manage it in our own best interests, ensuring that our businesses and health service still have access to the skills they need—skills that we will need as we build on our fundamental economic strengths to give Britain the brighter future our citizens imagined when they voted in June 2016; a deal that delivers on the referendum result, while securing the achievements of the British people in rebuilding our economy over the past eight years; and, above all, a deal that can bring our country together again.

Mike Gapes (Ilford South) (Lab/Co-op): The Chancellor just referred to British citizens living in EU countries. Can he confirm that, under this deal, EU citizens living in the UK will be in a better position than British citizens living in EU countries, because they will not have the ability they currently have to move freely between EU countries?

Mr Hammond: British citizens living in an EU country will be able to continue living in that country. They will not necessarily have the automatic right to relocate to another EU country.

Pete Wishart (Perth and North Perthshire) (SNP) rose—

Mr Hammond: At the same time, EU citizens living in the UK will have the right to continue living here.

Pete Wishart rose—

Mr Hammond: The hon. Gentleman is very persistent. I will probably regret giving way, but I will do it anyway.

Pete Wishart: Let us hope not. I have tried this with the Prime Minister: can the Chancellor look the young people of this country in the eye and tell them that all the restrictions we will impose on EU nationals the EU will impose on our young people? The rights that he and I have to live, work and love across a continent of 27 will be lost to our young people. Will he now be straight with them and tell them that there will now be restrictions on their freedom of movement?

Mr Hammond: The deal we have negotiated will ensure the greatest possible level of freedoms and rights for UK citizens so that they can carry on living their lives and we can carry on working, collaborating and trading with our EU partners. I am completely convinced that of the options open to us this is the right way for the country to go forward.

If anyone on the Opposition Front Bench genuinely believes that there is a magic deal available that would see us retain all the benefits of EU membership but with no free movement, no payments into the EU’s budget and no state aid rules, they are sadly deluded. Labour calls for a Brexit that delivers the “exact same benefits” as we currently have. That is called remaining in the European Union and it means being in the single market as well as the customs union, and last time I checked that was not Labour policy. A customs union
alone would not deliver those “exact same benefits”. It would not maintain supply chains, remove regulatory checks and non-tariff barriers, or deliver frictionless borders. So Labour’s policy fails its own test. The time for trying to have your cake and eat it has passed. It is now time for tough choices and practical solutions and for a focus on the things that really matter. It is time to deliver a “jobs first” Brexit, and that is what the Prime Minister’s deal does.

Melanie Onn (Great Grimsby) (Lab): I would like to move the Chancellor away from the party political point scoring and to ask him a serious question about what reassurances he can give to companies in Grimsby such as Young’s, which relies on fresh fish products from Iceland and south Norway. Both are non-EU countries with EFTA and EEA agreements with the EU. How does this Tory withdrawal agreement impact on the certainty of future supply to an industry that employs 5,000 people in my area?

Mr Hammond: As I suspect the hon. Lady knows, after we leave the EU, we will be an independent coastal state, and we will be able to enter into agreements with Iceland, Norway and other countries to regulate quotas, how the fish are caught, the reciprocal rights of our fishermen to enter other countries’ waters and of their fishermen to enter our waters, and other such matters.

David Morris (Morecambe and Lunesdale) (Con): According to the Department for Transport, if we crash out without this agreement, the hauliers of this country will have access to only 1,000 permits—and that to cover a range of areas from health products to food and furniture deliveries. This would be catastrophic for my constituency, which relies on haulage. Does my right hon. Friend agree?

Mr Hammond: My hon. Friend is right, and he takes me back to the question from my hon. Friend the Member for Mid Bedfordshire (Ms Dorries) earlier. If we were to leave the EU in a real no-deal scenario, with such issues left unresolved, we would be in a very difficult place. The small number of transit permits available to hauliers would be just one of the many issues that would cause considerable difficulty.

Mr Kenneth Clarke (Rushcliffe) (Con): Before the Chancellor started giving way, he made the point that just being in the customs union was not replicating what we have at the moment, but does he accept that, were we to join Norway, Iceland and Liechtenstein in the European Free Trade Association and, on top of that, agree a customs union that we would need to keep the Irish border open, we could keep a very high proportion of the economic benefits of membership, even if the House insists on proceeding to give up political membership and other aspects of the EU?

Mr Hammond: My right hon. and learned Friend is exactly right. One of the huge benefits of the negotiated deal that is in front of the House is the transition period, giving us another two years, to the end of 2020, of clarity and certainty for British businesses about how they will operate in the future.

Let me be clear about the economic benefits of this deal: a time-limited implementation period, as I have just said, giving people and businesses time to adjust; a deal that ensures citizens, both British and European, are properly protected; a political agreement to construct the closest economic relationship between the EU and any advanced economy in the world; a free-trade area for goods with no tariffs, no fees, no charges, and no quantitative restrictions; a commitment to an ambitious relationship on services and investment, including financial services; and for further co-operation across a wide-range of sectors from transport to energy and data.

Joseph Johnson (Orpington) (Con): I am very grateful to my right hon. Friend for giving way. He mentioned financial services and the impact of any Norway-style arrangement on the sector. Does he not also acknowledge that the proposed deal that the Government are putting forward is not great for financial services by any means? The sector obviously employs many of my constituents in Orpington who come into London every day to work in the City in all manner of roles. I have read the Government’s economic analysis and it shows that, over the relevant forecasting period, the financial services sector will be hit by around 6% to the effect that our trade will be 6% smaller than it would otherwise be. That is a meaningful hit to one of our most competitive industries, and we do not have many globally competitive sectors, so it baffles me why we would willingly do that.

I wish to make one further point if I may and ask another question. The agreement that the Government are putting forward will mean that we will no longer
have any direct influence on the EU’s rule making with respect to financial services. It is therefore all the more important that we maintain our ability to play a full part in representing the UK’s interests in global bodies such as the Basel Committee and the International Organisation of Securities Commissions. Article 219 says that we will have to follow the EU’s position on all those bodies. [Interruption.]

Mr Speaker: I think the House has captured what Jack Straw used to call the gra-vah-men of the hon. Gentleman’s point. I prefer the pronunciation gra-va-men, but there you go.

Mr Hammond: Let me say this frankly to my hon. Friend: there is no deal that is negotiable that involves leaving the EU and maintaining the financial services passport. That is a fantasy world outcome. There will not be passporting. What we have negotiated with the European Union is an enhanced equivalence approach that will allow us to maintain our vital financial services networks with the European Union in the areas where there is significant financial services trade between us and to do so in a way that will provide the reassurance that commercial companies need in London to continue operating.

A mere equivalence finding is of no use to a company operating a book of derivatives worth several trillion dollars when there could be an abrupt ending of the equivalence arrangement unilaterally by one side. There has to be a more structured basis for that co-operation in the future. We have agreed that with the European Union, and I absolutely agree with my hon. Friend’s point that, even though we will not have direct influence over new European Union rules, we can have a significant influence over the shaping both of the global rules and, indeed, the European rules.

Over many decades of membership of the European Union, the UK has had a huge influence over the EU’s financial services regulatory environment. We have done that not through voting power, but through the skill, the diligence and the commitment of our civil service and industry teams who have engaged in Brussels and who have provided their expertise to try to shape the European Union’s financial services regulation in a way that is effective and that works for us all, and we will carry on doing so in the future.

Robert Neill (Bromley and Chislehurst) (Con): I am very grateful to my right hon. Friend for giving way and I very much appreciate the realistic point that he makes about what is on offer to my constituents in the financial services sector. Does he agree that it is precisely because this is the best deal that we are likely to get and that it gets us into transition where these important technical matters can be resolved that it has been welcomed by all the representative bodies of the financial services sector across the country?

Mr Hammond: That is exactly right. It has been welcomed by all the major bodies. It has been welcomed by the City of London. First, this deal gives us the transition period, which is a vital respite for business in preparing for the future, and it gives us a commitment to a future deal that will protect our economy and, in particular, our financial services sector.

At the Budget in October, I made a Brexit prediction. I predicted that a deal that creates confidence in a smooth transition and a close future partnership will not only protect our jobs, businesses and prosperity in the long run, but deliver a short-term deal dividend for Britain. The Bank of England last week published its modelling of a range of scenarios to assess the potential impact as the economy makes the necessary adjustment to reflect the new trading relationship between the UK and the EU. The Bank estimated that a negotiated deal could boost British GDP by 1.75% in the short term, as businesses and consumers alike express their confidence in the future, while leaving the EU on WTO rules and without a transition period could cause a recession, with GDP reduced by up to 7.75% and unemployment rising to 7.5%. The Bank of England is clear: a no-deal exit would mean jobs lost, food prices up, house prices down and wage growth lower.

Businesses have made their views clear. The Federation of Small Businesses called this deal “a welcome step back from the no deal cliff edge.” The Institute of Directors warned that only 14% of its members “would be ready to cope with a no deal outcome in March”. The CBI has described no deal as a disaster for the economy.

This House has before it a deal that can deliver the certainty that will unlock the potential of our economy and assure Britain of the brighter future it craves. Let us not be the generation who have to explain to our children and grandchildren why we let that opportunity slip from our grasp. Let us choose now to move on to that brighter future, not to go back to square one with continuing uncertainty, division and disharmony.

As we make this decision and exercise our solemn duty in this Parliament in the interest of the nation, let us not forget the progress that we have made and what we would be putting at risk with no deal: eight straight years of growth; employment at a record high; 3.3 million more people in work; higher employment and lower unemployment in every region and every nation of the United Kingdom; wages growing at their fastest pace in nearly a decade; and the proportion of low-paid jobs at its lowest for at least 20 years. Britain is leading the world in breakthrough technologies—from biotech to fintech, and from robotics to genomics—and at the cutting edge of a technological revolution that will underpin our prosperity and success for decades to come, if we get Brexit right.

Martyn Day (Linlithgow and East Falkirk) (SNP): I have been listening carefully to the Chancellor’s speech. At the very beginning, he said that divided nations are not successful nations. I am inclined to agree with him, but how does he square that comment with a potentially differentiated deal for Northern Ireland that will leave Scotland at a competitive disadvantage?

Mr Hammond: We are clear that we have negotiated this deal as the United Kingdom in the best interests of the United Kingdom and every part of the United Kingdom.

Marsha De Cordova (Battersea) (Lab): The Chancellor talks about record numbers of people in employment and says that unemployment is lower, but that is not the
case in relation to disabled people. Does he agree that this Government’s record on disabled people is one of more disabled people out of work and more on lower wages?

Mr Hammond: The hon. Lady is simply wrong. We have record numbers of disabled people in work and that is a record of which this Government are extremely proud. She needs to go away and check her facts.

Helen Goodman (Bishop Auckland) (Lab): I agree with what the Chancellor says about the dire problems caused by no deal. However, he described the transition period as a time in which business could prepare for the new world. The truth is that the Government will be negotiating in parallel with those businesses trying to make changes, so they will not know the destination and will not be able to use that time because the fact is that it is uncertain.

Mr Hammond: The hon. Lady is too absolutist. Yes, of course there is further negotiation to be done, but the shape and key elements of the deal are clearly set out in the political declaration. I have described some of them already today. Business will be able to begin to prepare. I completely accept that further clarity will arise during the ongoing negotiations in the transition period. I am sure that she has talked to businesses, so she will know that this is the way that business wants to go. The alternatives—of no deal exit, or of trying to overturn the referendum decision and risk fracturing our country for a generation—are too awful to contemplate. We have to take this opportunity that is presented to us to protect our economy and to heal our country.

To protect the living standards of the people of the whole United Kingdom, we need to act now. We need to act now to end uncertainty, to protect jobs, businesses and prosperity and to begin to heal the divisions in our country. But what if we do not? What if we turn our backs on this opportunity of a negotiated exit and a transition to the future? I have heard that we have nothing to fear from no deal—nothing, that is, except a cliff-edge Brexit in just four months’ time; the end of frictionless trade with our biggest export market; restrictions on our citizens travelling in Europe; and being the only developed economy in the world trading with the EU on purely WTO terms with no customs facilitation agreements, no data sharing or protection agreements and no approvals regime to allow our industries to trade with their nearest customers and suppliers—just tariffs, paperwork and bureaucracy.

UK car exports would face tariffs of 10%. Many clothing exports would face tariffs of 12%. Agricultural exports would face even higher tariffs. Almost 90% of UK beef exports and 95% of lamb exports go to the EU, where they could face tariffs of over 70% and 45% respectively.

Ian Paisley (North Antrim) (DUP): Did not the Bank of England, the Treasury and the IMF all incorrectly forecast economic woe if the people of the United Kingdom voted to leave in 2016? Indeed, they predicted 500,000 job losses before we even Brexit. As the Chancellor has outlined very well today, our economy is growing and, importantly, employment is increasing. There have been fantastic results since we voted to leave. If he was standing at the Dispatch Box today and arguing for a WTO agreement, the City of London and everyone else would still support him because they would have the leadership that the Government would be providing. The fact of the matter is that this country requires leadership to leave on WTO terms, not criticism about leaving.

Mr Hammond: I am afraid that the hon. Gentleman is just wrong on the question of the financial services community and WTO. The financial services community would not support a WTO exit. That would be the worst possible scenario for financial services, with no time for preparation. Frankly, given the role of financial services in our economy—7% of our GDP—and their even larger role in our fiscal economy, accounting for over 11% of our fiscal revenues, anything that damages that industry will be extremely damaging to our economy and our public services.

Steve McCabe (Birmingham, Selly Oak) (Lab): Will the Chancellor give way?

Mr Hammond: In the absence of any better offers, I will give way to the hon. Gentleman.

Steve McCabe: The Chancellor is as kind as he is funny.

If the Chancellor sincerely believes the situation that he has just described to us and if he cannot convince this House of that situation on Tuesday, will he resign because he has clearly lost the confidence of this House?

Mr Hammond: I regard my job as to go on making the case for a sensible middle way out of this situation. I do not believe that we can afford the economic cost of a no-deal exit, but I equally do not believe we can afford the political and societal costs of trying to undo the decision of the British people in the referendum. We have to find a negotiated way forward. The Prime Minister has presented us with the route forward, and we have to take it.

Bill Wiggin (North Herefordshire) (Con): I am very reassured to hear what the Chancellor has just said, because he said in his opening statement that he felt that Brexit itself might be at risk, which of course is very much at odds with what the Prime Minister has promised us. Will he go on reassuring people like me that the will of the people will be followed by this Government?

Mr Hammond: My right hon. Friend the Prime Minister and I have said many times that the choice before this House is very simple: it is this deal, no deal or no Brexit. Those are the opportunities that we have to choose between.

Rachael Maskell (York Central) (Lab/Co-op): One of the things that really concerns businesses is the availability of skills with this deal. At the moment, they know that there is a plan for growth, which the Government have in the light of their abysmal record on productivity, but that plan cannot be delivered if skills are migrating back to the EU. How will the Chancellor address that?
Mr Hammond: The Government are clear that freedom of movement will end as we leave the EU, but as I have already said, that is not the same as shutting down migration. Once we regain control of our own borders, we will run our immigration system in our own interests, taking account of the needs of British society and the British economy, ensuring that we have the skills needed for our businesses to operate and our national health service to function properly, but at the same time making sure that the incentives exist for our businesses to train and upskill our indigenous British workers. We have to make our choice as a nation.

Antoinette Sandbach (Eddisbury) (Con): Key sectors in the north-west, such as the chemicals, aerospace, pharmaceutical, nuclear, and food and drink industries, involve high-paying, high-skilled jobs. Will my right hon. Friend comment on the impact on those jobs if this deal is not agreed?

Mr Hammond: My hon. Friend could have added that those industries also have a high trade penetration with the European Union, and they depend critically on maintaining open and free-flowing trade arrangements with it. The deal before the House today allows us to maintain those trading patterns with the European Union and protect our supply chains, businesses and commercial relationships, while also having the opportunity to go out and make new trading partnerships with friends, old and new, around the world. In my view, that is the best possible outcome for businesses in my hon. Friend’s constituency.

We have to make our choice as a nation, and it falls to this House to act on the nation’s behalf, setting aside narrow party interests and focusing on what is in the national interest of our United Kingdom. After two and a half years, it is time to choose and time for Britain to move on. This deal will ensure that we move forward as a nation, taking back control, protecting jobs, getting business investing again, growing, thriving, and bringing the nation back together. It sets the United Kingdom on a course for a prosperous future, with a close relationship with our biggest trading partner and the ability to strike trade deals with the rest of the world. It supports our economy and lets us get back to the priorities that the British people elected us to deliver: investing in the infrastructure and skills of the future, keeping taxes low, reducing our debt and supporting our vital public services. Let us get on with it. Let us back this deal, honour the referendum, protect our economy and work together in the national interest to build a brighter future for our country.

12.42 pm

John McDonnell (Hayes and Harlington) (Lab): Next week, we will make one of the most significant decisions that most hon. Members will ever make in this House, and it will impact on current and future generations. So far, hon. Members have ensured that we approach the debate leading to that decision with the seriousness of tone that it warrants—indeed, I think we have seen some of the best of the House over the past few days—and we have to find a way through.

On Wednesday, my right hon. Friend the Member for Leeds Central (Hilary Benn) said: “My final plea to the House is as follows. Now is the moment to tell each other the truth... No one is going to get everything they thought they would get. No one is going to receive all the things they were told they would receive. All of us are going to have to compromise, and we are going to have to find a way forward that a majority can agree upon.” [Official Report, 4 December 2018; Vol. 650, c. 802.]

I fully concur with those sentiments, and that is what we are about in this coming period.

I wish to focus on four points—I recognise that a large number of Members wish to speak, so I will be as succinct as possible. My first point, on which I hope we can find widespread majority and common ground across the House, is that we must seek to prevent a no-deal situation occurring by either imposition or default. Secondly—and I say this in as straight a way as possible—it is increasingly obvious that the Prime Minister’s deal is neither politically nor economically acceptable, and neither is it capable of bringing the House or country together.

Thirdly, as the House looks for an alternative, Labour has proposed a plan that we believe could unite the country, by addressing the concerns raised in the referendum campaign while securing the benefits of a close and collaborative relationship with our European partners. That is what we are about. My fourth point is an expression of a worrying concern, given the current state of our economy, about the impact of a bad deal on our communities.

Angus Brendan MacNeil: As we know, next week the Government’s deal will go down in flames, whatever putative deal is in the mind of the right hon. Gentleman will get nowhere, and the UK will look down the barrel of no deal or no Brexit. When looking down the barrel of no deal or no Brexit, will he also pick up a microphone, look at the camera and tell the people what he would choose: no deal, or no Brexit?

John McDonnell: I would choose what the House is seeking—in good will, I believe—which is a compromise that secures the will of the people while at the same time protecting jobs and the economy. [Interjection.] Government Members shout that that is the current deal, but at some stage in the next few days reality will dawn on people that it is highly unlikely that that deal will secure a majority position in the House. We have to be honest with each other and take this opportunity for an honest expression of views. Not only will the deal not secure a majority in this House, but it is certainly not bringing the country together.

David Morris: I am listening with intent to what the right hon. Gentleman is saying, which is very measured. Speaking apolitically and being measured myself, I ask whether he would please consider voting for this deal, so that we can all move on with our lives.

John McDonnell: I recognise the valid intent of that intervention, and if the hon. Gentleman will stay the course with me a bit longer, I might be able to respond to it.

Mr David Davis (Haltemprice and Howden) (Con): I, too, welcome the right hon. Gentleman’s approach and the tone and tenor of his opening remarks. I hope that during his speech—perhaps not immediately—he will lay out his criteria for acceptance of whatever the outcome should be, not in terms of his rather artificial six tests, but real criteria in the national interest.
John McDonnell: I think we are all of a common purpose, which is to protect the economy and jobs. The six tests simply seek to hold the Government to their own statements, but I do not want to be dragged into a knockabout about that. We are beyond that now; we are now in a situation where the country expects us to work together to secure a majority.

Simon Hoare (North Dorset) (Con): The right hon. Gentleman’s third point is no different from the approach that the Government have taken, so there is clearly a unanimity there. He started his speech in a serious and sober tone, which is to be welcomed. However, my constituents fear—as do I, and many Government Members—that warm words butter no parsnips and that in his pursuit of political instability through a general election, he is prepared to sacrifice the jobs and economic opportunity that he and I hold dear, on the altar of party politicking.

John McDonnell: Let me deal with that. I have with me copies of Labour’s composite motion on Brexit for conference—some of them have Labour party application forms on the back, which might interest the hon. Gentleman. That was a joke—[ Interruption. ] Not a very good one. At conference, we gave priority, which we have upheld, to securing a deal that will protect jobs and the economy. Only if we cannot achieve that do we have the fall-back position of a general election, but we are striving as best we can to secure the best deal.

Ian Paisley: I appreciate the opportunity that the shadow Chancellor has today to outline some of his views on this important matter. During his comments, will he also address the backstop issue and indicate to the House whether the Labour party would drop the backstop and the Northern Ireland protocol altogether? How will he ensure that Northern Ireland is treated fully as an integral part of the United Kingdom going forward?

John McDonnell: I will come on to that, but the point we have consistently made is that we would not need the backstop; we want a permanent customs union and a relationship with the single market.

Let me press on. Some, I know, long for a no-deal Brexit. I want to mildly chide the Chancellor because he was among the earliest to set that hare running. In an interview in January 2017, he unwisely promoted the idea of changing our economic model to make our country what was described as a low tax haven off the coast of continental Europe. Some seized on that to provide a vestige of credibility for their campaign to crash out of the EU.

The Government have put the cost of no deal at potentially a staggering 9.3% of GDP. The Bank of England said that a disorderly no-deal Brexit could cause more economic damage than the global financial crash of 10 years ago, with house prices crashing by 14% and unemployment reaching nearly 6%. I appeal to all hon. Members to recognise that we have a duty to our constituents not to allow that to pass. I give this assurance: Labour will not countenance no deal and will work assiduously to avoid it.

Let me also say this. The Government’s threatening Members with the prospect of a no-deal Brexit to engender support for their own deal serves only to reveal their desperation. It is proving to be completely counterproductive.

Ms Nadine Dorries (Mid Bedfordshire) (Con): Would the shadow Chancellor abandon his commitment to remain in the customs union if the backstop were not there and there was an absolute legal requirement for the 27 member states to reach a free trade agreement within the initial transition period?

John McDonnell: We believe that a permanent customs union is an essential part of the architecture for the future relationship that will secure our prosperity, and it would benefit the overall economy.

Far from influencing Members to back the Prime Minister’s deal, I believe that the threat of no deal, used in this way, is actually strengthening the momentum to secure an alternative approach.

I move on to the Prime Minister’s deal. It is clear that it is bad for Britain. It does not protect jobs or living standards and would leave this country worse off; it does not even respect the Prime Minister’s own red lines. It risks indefinitely tying the UK to agreements over which we will have no say whatever. It does not include a permanent customs union; it does not protect employment or environmental rights; and it does not deliver a strong relationship with the single market to protect businesses or, crucially, to allow them to plan with any certainty.

Karen Lee (Lincoln) (Lab): I voted remain but my constituency voted leave. This deal is not bringing the House together. It is not bringing Government Members or the country together. Does my right hon. Friend agree that there has to be a better way?

John McDonnell: My hon. Friend’s position is the same as mine: I campaigned for remain, but my constituency voted leave. People are looking for a compromise that will work; the problem with the Government’s proposal is that it will not work—and they know that.

I want to get something absolutely clear with the Chancellor. For the millions who work in the financial services, the deal and framework give no clarity on what any equivalence regime might look like. It damages the country politically and, most importantly, economically. We were initially told, and the Chancellor has repeated today, that we would secure enhanced equivalence. Paragraph 38 of the framework starts:

“Noting that both Parties will have equivalence frameworks”.

Will the Chancellor confirm that an enhanced equivalence deal has been signed already? Enhanced agreement is what we were offered and promised by the Chancellor. There is no reference to enhanced equivalence, only to equivalence. That means greater insecurity for the finance sector, one of the key sectors of our economy.

Vicky Ford: Page 9 of the future framework agreement talks about “suspension and withdrawal of equivalence decisions” being agreed mutually. That is enhanced equivalence.

John McDonnell: With the greatest respect, that is not the definition of enhanced agreement. What we wanted written into any framework was a reference to “enhanced”, but that is not there. It does not give the security that the finance sector was promised.
Wera Hobhouse (Bath) (LD): In this House and across our families and communities, we would love this country to come together and unify. However, does the right hon. Gentleman agree that the vagueness of the declaration on the future relationship is making that entirely impossible? Rather than healing the divisions, it will keep them rumbling on for years and years.

John McDonnell: I watched the hon. Lady’s contribution to the previous debate; it was interesting how her words coincided with those of Government Members. The use of the words “best endeavours”, “ambitions” and “sought for” gave such uncertainty that it was impossible for the general public and others to understand the direction in which the Government are going in the long term. I concur with the hon. Lady’s view.

I must press on. It is not just Labour Members who are pointing out issues with the finance sector; Members from all parties are doing so, including some on the Government Benches. That view is backed up by economists of many viewpoints in their assessment of the Prime Minister’s deal—including, it seems, the Government’s own. The official analysis produced last week was far short of what was promised, as we said at the time. It took as its starting point the Chequers proposals, which have long been discarded. In doing so, it failed to live up to the standards of transparency that we should expect when engaging in critical decisions such as this.

Even in what they did publish, the Government admitted last week—as the Chancellor has again today, I believe—that their deal would make Britain worse off. In the closest scenario to the possible deal, we could see GDP nearly 4% lower as a result of the Government’s approach to Brexit. To put that in context, this year that would be around £83 billion. In the long term, the damage is likely to be even greater. Worryingly, the Chancellor described £83 billion being wiped off our economy as a “very small economic impact”. Maybe there will be many “little extras” to follow in future.

Janet Daby (Lewisham East) (Lab): Does my right hon. Friend agree that the public’s view is that the economic impact of the deal is too high a price to pay? How does my right hon. Friend view that?

John McDonnell: What has happened is clear: the deal has not convinced the Government side and certainly has not convinced the people. It has not convinced a majority in the House so far.

The Government analysis estimated that the impact of trade barriers alone could mean an average drop in wages of 3%—£800 a year, in today’s terms. The regional growth impact is worst in our exporting regions such as the north-east and the west midlands. Other organisations agree to similar conclusions. The Bank of England said that GDP would be almost 4% lower by the end of 2023. The National Institute of Economic and Social Research put the damage at £100 billion in real terms.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Does my right hon. Friend agree that the uncertainty about EU free trade agreements, which currently cover our trade relations with more than 70 countries, is set to be hugely damaging to businesses up and down the country? They are currently worth more than £150 billion.

John McDonnell: Others have said that the knock-on consequences of the uncertainties are catastrophic, and I do not disagree.

Economists from UK in a Changing Europe, working with the Institute for Fiscal Studies, estimated that the public finances could be worse off to the tune of nearly 2% of GDP, which would mean £40 billion if it happened today. There is no way of dressing this up: if the House approves the Government’s deal, every region of the UK—every sector, every household and business—will suffer.

Let me deal with the backstop that was arranged. Remarkably, the Government have published no specific analysis of the consequences and cost of their proposed backstop. We now know from the Attorney General’s advice, which was prised from the Government and they were forced to publish, that there will be new barriers to trade between Northern Ireland and Great Britain, that there will be new barriers to trade between the UK and the EU, and that the backstop could be permanent. I quote directly from the Attorney General’s advice, which says that “the Protocol would endure indefinitely until a superseding agreement took its place, in whole or in part, as set out therein. Further, the Withdrawal Agreement cannot provide a legal means of compelling the EU to conclude such an agreement.”

Ms Angela Eagle (Wallasey) (Lab): Does my right hon. Friend agree that the vagueness of the declaration on the future relationship is making that entirely impossible?

John McDonnell: Yes, as my right hon. Friend the leader of the Labour party pointed out the other day, the timing does put us over a barrel. What is the incentive for the EU in this situation where we have given all the cards to the other negotiators?

So we are now faced with a prospect of new trade barriers and the potential for an indefinite backstop, but we have no assessment from the Government of what this will mean for the economy. Astoundingly, according to the Attorney General’s legal advice, “for regulatory purposes GB is essentially treated as a third country by NI for goods passing from GB into NI.” Others have had their say on the constitutional implications of the backstop—a rod that the Government have created for their own back. But the Government’s refusal to include prolonged membership of the backstop in last week’s economic analysis leads us to conclude that either the Government do not know what the effect of remaining in it would be, or if they do, they do not want us to know the cost and economic consequences of an indefinite backstop.

David Morris: If we leave under this agreement, we would have free trade. We have two economies running in Ireland at the moment, one with the euro and one with the pound. Does the right hon. Gentleman agree that that would carry on under this agreement because, as we would be leaving the EU, the backstop is an insurance policy or a legal ramification to this agreement?

John McDonnell: The backstop could remain permanent. We have had confusion this morning on the advice from the House of Commons Library and the Chancellor about how it could be ended or a transition deal extended
in some form. There is absolute confusion at the moment, and we are now undermining the relationship with one of our biggest trading partners as a result.

One organisation, the National Institute of Economic and Social Research, has estimated that by 2030 we could see a £70 billion reduction in national GDP, in 2016 prices, as a result. Once the Prime Minister accepted our argument for a transition period, she argued that it was right because it would mean only one change for British businesses. Now we face shifting from a transition period to a backstop arrangement, and then to a free trade deal. This is not what was promised. We do know, however, what the Chancellor thinks of the backstop arrangement because he has said so:

“I’ve been clear from the outset that I do not like the backstop. I don’t think the backstop is a good arrangement for our economy, I don’t think it’s a good arrangement for our union.”

I fully agree.

Alex Chalk (Cheltenham) (Con): In fairness, the right hon. Gentleman is absolutely right, and it is perfectly legitimate to shine a light on the issue of the backstop, which causes a lot of us concern, but can he help me to understand something? Under his proposal, if the United Kingdom were to remain in a customs union, would there not still need to be a backstop in any event, because we would be outside the single market? Is there not still need to be a backstop in any event, because we would be outside the single market?

Mr David Davis rose—

John McDonnell: I believe that under a comprehensive customs union agreement, it is so much more unlikely that there would be any need for that fall-back position, and we would be able to offer permanency in an agreement rather than something that is a defective insurance policy.

Others may agree with the Chancellor on his initial assessment, and, in that case, I cannot see why this arrangement—

Richard Graham (Gloucester) (Con): The right hon. Gentleman said that Labour is looking for a comprehensive customs union agreement in which Britain will have a say in future trade agreements, but if we were in a customs union with the European Union, we would not have a say on future trade agreements. Can he clarify that?

John McDonnell: We will have a say in the future of those trade deals in our relationship with the European Union, and it will reflect the size of our economy and its contribution to the European Union overall.

Antoinette Sandbach: Will the right hon. Gentleman give way?

John McDonnell: Let me press on now.

My fourth and final point is the vulnerability of our economy to a bad Brexit, and, indeed, the vulnerability of so many of our people—the people we represent.

The Prime Minister’s deal does not give the certainty our country needs. Even the trickle of muted support from businesses when the deal was first done has now been replaced by a deafening silence. That is because businesses and trade unions alike now understand that under the Prime Minister’s deal we are facing, in 2020, more uncertainty as this Government then decide whether to extend the transition or fall into an unlimited backstop.

If a bad Brexit is forced upon our country, and the economy and jobs are not protected, many of our people who have suffered from eight years of austerity will suffer even more. Indeed, many of us believe that it has been the economic failures of the past and the present that helped to deliver the Brexit vote. I take no pleasure in saying that it was a vote from which the Government seem almost determined to learn nothing.

We have an economy that has seen wages grow more slowly than in any other advanced country in the G20.

Mr Kenneth Clarke: The right hon. Gentleman started in a welcome tone of offering cross-party collaboration. I was waiting to see what he proposed as the starting
point for the Labour party. He spent about 30 seconds on that, in a couple of sentences, and he is now back to attacking the Government and the withdrawal agreement. Am I right in understanding that he essentially agrees with me that we should stay in a customs union and collaborate with our European partners on international trade deals? He talked about us collaborating with the single market, which I do not quite understand. Nowhere in the world is there an open border between two countries unless they have a customs union and regulatory convergence. Is he advocating that? That not only solves the Irish border problem, but eases the economic consequences of leaving the European Union to a considerable extent.

**John McDonnell:** I thank the Father of the House for his intervention. Let me make this clear. First, we want a permanent customs union, and we want to ensure we have a future say in future trade deals that reflects the strength and size of our economy. Secondly, we want a close collaborative relationship with the single market, which we believe we can achieve, but we also want the ongoing protection of regulations on employment, the environment and consumer rights. Those are the negotiations that we wish to undertake—if not in government, as a Parliament.

**Several hon. Members rose—**

**John McDonnell:** I will press on. I think I have been fairly generous in giving way.

**Simon Hoare:** Will the right hon. Gentleman give way?

**John McDonnell:** I think the hon. Gentleman has already intervened twice. That is absolute generosity. I will press on, because I know that many other Members wish to speak.

The Government need to recognise what motivated the Brexit vote. Over time, industries that sustained whole communities around the country have been destroyed or allowed to wither, tearing the heart out of our towns, from fishing ports to mining and manufacturing communities. This week’s report from the Joseph Rowntree Foundation should be a wake-up call to us all. It confirmed that 1.5 million people are living not just in poverty, but in destitution, including 365,000 children. If we are to learn anything from the referendum vote, it is that so many of our people want change, and the Government, as a Parliament.

**Sir Nicholas Soames** (Mid Sussex) (Con): May I start by congratulating my right hon. Friend the Chancellor on his speech, on his prudent and sensible stewardship of our economy at this difficult time and on the extraordinarily clear way in which he expressed his intent?

I should remind the House that I was a staunch remainder. I campaigned vigorously to remain, and I would certainly do so again. I am proud that my constituency voted to remain by 53%. I am personally deeply saddened by the result of the referendum, and I believe that our wonderful country made an historically bad decision that we will long regret. However, the country voted to leave the European Union in the referendum of 2016—the biggest democratic exercise in our history. I am first and foremost a democrat, and I believe strongly that that vote must be honoured.

At the time of the referendum, the then Prime Minister, my friend David Cameron, assured the country that the result would be respected. I echoed that assurance at the last election and confirmed that, however much I regretted it, I must support the democratically expressed wish of my country. I wish to make it clear that, while there are serious disagreements on both sides of the House, I believe we all have the best interests as we see them of our country at heart, and that we fight the good fight with confidence but also proper respect for those who hold long-standing views that are very different.

I was very taken with the speech by my right hon. Friend the Prime Minister at the beginning of the debate, and I wish to pay the warmest tribute to her for her tremendous courage, doggedness, diligence and determination to arrive at a deal in the national interest. I believe that she has achieved in this withdrawal agreement an essentially pragmatic compromise, which she rightly justifies as being a realistic conclusion of that which is possible. I hope the House realises that there will not be a better deal on offer and that, if this arrangement is voted down, no different deal will miraculously appear and there will be a profound period of uncertainty and risk that we might crash out with no deal, which would, by common consent, be a disaster for our country.

At the end of the day, this withdrawal agreement will leave almost nobody satisfied, but it gives all sides of the argument something. It is not a perfect deal, and it was never going to be, for that is the nature of a complex negotiation. It is indeed a compromise, and it would be a fatal mistake, as the Prime Minister said, to let the search for the perfect Brexit prevent a good Brexit.
It is also important for the House to acknowledge that the Prime Minister, by ignoring the strident noises off, under immense pressure from all sides of our own party and the House, has managed to temper these negotiations in such a way as to ensure that we will be able, in time, to retain the closest partnership with our European friends and allies. However, I remain deeply anxious that a no-deal Brexit or a second referendum, which would likely be inconclusive after a vicious and harsh campaign, might push Britain into the kind of loathsome and hateful partisan bitterness that now so disfigures American public life and is so damaging to its democratic settlement and political discourse. We do not want that in this country.

What will be achieved by support for the withdrawal agreement is one thing, but as the House knows, there are years of hard and difficult negotiations ahead. After the most careful thought, I have concluded that what is proposed in the withdrawal agreement substantially delivers on the referendum result and must thus be honoured. It is clear that, under these arrangements, the United Kingdom will be leaving the political union, ending free movement, leaving the customs union, leaving the common fisheries policy and the common agricultural policy, ending the jurisdiction of the European Court of Justice and regaining the chimera of our sovereignty. The agreement is thus entirely deserving of the House’s support.

Wera Hobhouse: The right hon. Gentleman said at the beginning of his speech that he believes the country made a mistake in the referendum that it will regret. How can he, in his conscience, not continue with that argument and persuade people that the best place for us is within the European Union?

Sir Nicholas Soames: I tried at length in my own inept way to explain why that was the case. I believe that the Government must honour the result of the referendum, democratically expressed in the biggest electoral exercise that this country has ever had, and not to do so would be a disgrace. In my view, this plan has very carefully and very cleverly managed to separate Britain from the European Union—46 years of combined earnest endeavour and legislation—with, frankly, miraculously minimum damage to each side. We need to keep it that way for this is a golden prize, given the circumstances. It would be extremely ill-judged to throw it away, which, above all, would be contrary to our national interest.

I am confident that we can then move on to building a stable future framework, as clearly set out by the Chancellor, which will formalise the great importance of our future relationship with our European friends, allies and partners. There is only one agreed proposal on the table. We owe it to our country to lay aside our differences, to accept that our great national traditions of pragmatism, common sense and compromise have never been more vital than now and then to come together, as the Prime Minister said, as “one Union of four nations”, to reassert the confidence that we should most definitely have in the opportunities that lie ahead for our nation’s future, if only we can grasp this nettle and move on. It will be the experience of many right hon. and hon. Members on all sides of the House of Commons that most of our fellow citizens devoutly wish us to get this done and to focus on the things that they really care and worry about daily—schools, policing, the national health service, transport, the environment and just getting from A to B—and all the other issues that, inevitably, have not had the attention they should have had as the Government have had to focus so much of their necessary effort on coming to this moment.

I am approaching the end of my parliamentary life. I am truly sad beyond words that our wonderful country has reached this pass, but I feel very strongly that we really must not reject this agreement and thus go back to square one, which would mean perhaps another deeply divisive and very unhappy referendum. In turn, that would mean the most damaging uncertainty economically and continuing division that will inevitably threaten the jobs and lives of our constituents and investment in our economy. I am afraid above all that the House would earn the undying contempt of the British people if it does not have the courage and vision to grasp this deal, however we may feel about it, in the interests of the greater good.

I am sure that many right hon. and hon. Members on both sides of the House remember Lewis Carroll’s wonderful poem, “The Hunting of the Snark”. It includes these lines, which I believe are appropriate:

“But the principal failing occurred in the sailing, And the Bellman, perplexed and distressed, Said he had hoped, at least, when the wind blew due East, That the ship would not travel due West!”

To coin a phrase from a greater, kinder and more resolute period in our national life, “Come, let us go forward together and settle this now.”

1.23 pm

Stewart Hosie (Dundee East) (SNP): May I say that I probably would not agree with the conclusion reached by the right hon. Member for Mid Sussex (Sir Nicholas Soames), but it was a pleasure to hear that speech?

I know that the Chancellor has had to go to a Cabinet committee meeting—I suspect there may be a number of those between now and next Tuesday—so I understand why he is not in his place. However, I would like to say that I agree with him in one particular regard—that to have no deal and to revert to WTO rules would be the worst possible outcome we could reach.

I would also say that I thought the Chancellor was incredibly sincere when he said that not to agree with the Prime Minister’s arrangements in this withdrawal deal would fracture society. I have absolutely no doubt of the sincerity with which he said that, but as a democrat, I say no less sincerely that, when the circumstances change and the actual consequences of what we may embark on become clear, we have a right to change our minds, whatever that means to any individual.

I wish to restrict my remarks mainly to issues of trade, investment and migration, as a reduction in trade and investment and a reduction in migration due to an ending of the free movement of people will be the main drivers of a reduction in GDP growth, productivity and living standards for citizens. Unless one views this as some kind of nationalistic project, surely, to goodness, our primary concern should be the economy, the changes to it, the impact on it and the impact on citizens.
On the decision to end free movement, as the Prime Minister says, “once and for all”, all of the Brexit scenarios modelled by the Treasury show GDP in 15 years’ time to be lower, and lower still when the impact of ending free movement is modelled. So it is time to stop pretending that ending free movement is a good thing. It is not: it is self-evidently economically damaging.

Intent on mitigating some of that, I read the withdrawal agreement in detail. The section in the political declaration on mobility states:

“The mobility arrangements will be based on non-discrimination”

that is good, but “free movement...will no longer apply”.

The parties will wish to negotiate short-term visits and visits for study, training and youth exchanges. They will consider social security issues. They will explore the possibility of facilitating the crossing of respective borders for legitimate travel; that means it will not exist on day one. They will allow travel under international family law, or for judicial co-operation in matrimonial matters, in matters of parental responsibility and the like. Paragraph 59 of the document states:

“These arrangements would be in addition to commitments on temporary entry and stay—referred to in Section III”.

Those are limited areas. I will come back to that in relation to agriculture, but I do not want anyone to think that this agreement will in effect allow travel as it currently exists; it simply will not.

All the serious pre-referendum assessments of the likely impact—every one—were negative. They were almost all in the minus 2% to minus 9% GDP range over the forecast periods they looked at. Even the OECD central estimate was a 5% loss of GDP over the forecast period. The subsequent analysis, the “Cross Whitehall Briefing”, suggested that GDP would be 1.5% lower in 15 years under an EEA-type scenario, 4.8% lower under a free trade agreement scenario and 7.7% lower under a mitigated WTO-type scenario. It is worth noting that even that final scenario was based on a smooth, orderly no-deal exit, not a disruptive, cliff-edge Brexit. It is, therefore, no surprise that the Bank of England Brexit analysis shows GDP growth lower, unemployment higher and inflation steeply upward the more disorderly the Brexit. Pre-referendum, the figures for Scotland on a WTO rules outcome suggested GDP down 5%, real wages down 7% and employment down by 80,000 jobs, or about 3%.

Since the withdrawal agreement has been published, there have been further assessments, which have been referenced today. The NIESR has suggested GDP growth will be reduced by £100 billion a year. The LSE has suggested that GDP will be lower—again, in the minus 2% to minus 9% range. The Scottish Government have demonstrated that, under an FTA agreement, Scottish GDP will be down by about £9 billion, which is the equivalent of £1,600 per person.

Ms Dorries: Does the hon. Gentleman have anything positive or hopeful that he could announce in his speech because this just sounds like “Continuity Project Fear”?

Stewart Hosie: This is actually the problem with this debate. There has been a series of almost universally identical assessments from dozens of different organisations, yet some people—I want to be careful about the tenor of this—have ignored all expert opinion. There has been the gut instinct reaction, “That’s what we’re going to deliver and”—by sheer force of will—“things will be better.”

Mr David Davis: Hold on a moment.

I think it is important—this is why I have laid it out in this way today—to demonstrate that, from the start of the exercise, pre-referendum, between the referendum and the withdrawal agreement and since the withdrawal agreement, expert opinion tells us one thing. The hon. Lady is perfectly at liberty to disagree with that. She might come back in five, 10, 15 or 20 years and say, “I told you so. It wasn’t that bad.” But if we go in blindly to something as substantive and perhaps irrevocable as this and get it wrong, the public will never forgive us.

Mr Davis: The hon. Gentleman, quite rightly, makes the point that a number of expert economic opinions all say much the same thing, but of course that is exactly the same as was the case before the referendum. [Interruption.] Members may not like the facts, but I will repeat the facts to them. Exactly the same was true before the referendum. The Government’s forecast was in the middle of those expert opinions and the outcome was approximately £100 billion out in the first two years after the referendum. So there is a reason to say that the experts may be all talking within a hall of mirrors.

Stewart Hosie: I do not doubt that some of the assessments given for what might have happened to date, before we leave, were wrong. I was very clear from the outset of the referendum that nothing would happen. My personal view was that nothing would happen in the first couple of years. Indeed, even after we leave I do not think the impact will be immediate. But when we look at big foreign direct investment decisions on £1 billion investments to access a market of 500 million or access a market of 70 million, I suspect at that point we will begin to see some very substantial and negative consequences for the UK economy.

Patrick Grady (Glasgow North) (SNP): Does all this not prove that it stands to reason that the best possible relationship with the European Union must be membership? If the deal was going to be so beneficial for the UK economy, everybody else would want the same deal and the whole European Union project would implode. That is simply not possible and demonstrates that, no matter what people were voting for, they were not voting to become poorer.

Stewart Hosie: My hon. Friend is absolutely right. I am not going to do it today, but certainly in previous debates we have gone through quote after quote after quote from Brexiteers who said that we would not be leaving the customs union, we would not be leaving the single market and we would still have the right to travel freely throughout Europe. Not everybody voted for a Brexit that was based on any single assessment damaging the economy, living standards and opportunities for their children and grandchildren.
The last of the assessments is the most recent, the Government’s assessment, which again shows a central forecast in all circumstances broadly in the minus 2% to minus 9% range. I find it extraordinary that the Government in essence have ignored every single serious assessment of the economic damage Brexit will do. What we see now with this proposal on the withdrawal agreement are rabbits caught in headlights, walking the economy towards danger, rather than pausing, thinking and changing course.

Richard Graham: I want to pick up on an earlier comment. The hon. Gentleman said that bringing to an end free movement would be very damaging. What would he say to my constituent, a young Gloucester girl, eight months pregnant and badly beaten up by her European boyfriend, who is terrified that when he comes out of prison he will return to haunt her and her family, because this country cannot deport European nationals unless they have served a sentence of longer than two years? Does he agree that there are some elements where actually it would be protective, not damaging?

Stewart Hosie: I am reluctant to get into an individual case. Suffice it to say we all have constituents. The same young lady may have been assaulted by a man from the same town who lives two streets away. Nationality and the ability to travel in that circumstance, however difficult, is actually irrelevant.

Luke Graham (Ochil and South Perthshire) (Con): Before my hon. Friend’s intervention, the hon. Gentleman was making a point about looking at economic futures and the Government facing facts where growth could be less than expected. Does he not see the irony of SNP and the Government facing facts where growth could be less than expected. Does he not see the irony of SNP members making that point, when reports clearly state figures are against the baseline. That is absolutely correct.

Stewart Hosie: I have been absolutely clear that these figures are against the baseline. That is absolutely correct. These are figures where GDP is lower than would otherwise have been the case.

The language of the political declaration is about negotiating a future relationship. If we set aside the way in which that has been dressed up as some kind of exceptionalism that we are going to have the best deal ever, we are in essence talking about no more or no less than the vague intention to start to negotiate what the Government hope will be a preferential free trade agreement. However, the vulnerability of our economy to Brexit cannot be adequately mitigated through a UK-EU free trade agreement. That is, in essence, all we are talking about. For example, the EU FTA with Canada does include some limited provision for some degree of third country validation that is aligned with EU regulations, to facilitate the trade in goods, but it falls substantially short of securing access to the European single market that the UK or any European Economic Area member country currently enjoys. We argue that continued membership of the European single market and the customs union is vital to ensure that the UK economy continues to benefit from those current fundamental trading arrangements.

If memory serves, there was a previous assessment by NIESR that demonstrated that retaining single market membership could avoid a 60%—yes, 60%—decline in goods and services exports to the EEA by comparison with an arrangement based on the WTO rules. I would also add at this point that the current arrangements do not simply facilitate trade with the EU directly. Membership of the EU has, for example, enabled Scotland to benefit from EU FTAs with more than 50 trading partners, so that by 2015 Scotland exported £3.6 billion to countries with which the EU has a free trade agreement. That trade accounted for 13% of Scotland’s international exports. In addition, although this is harder to quantify, many of the products exported from Scotland to the rest of the UK—this goes the other way as well—will form finished goods destined for the rest of the single market or countries with which the EU has an FTA. I will come back to that point, because it is important.

Of course, the rather non-exhaustive list of reasons why trade is likely to fall and drive down GDP growth, includes the increased cost of bureaucracy; uncertainty about the nature of customs arrangements; additional regulatory burdens; non-tariff barriers, which in some cases are the most significant; uncertainty about the legal basis upon which certain transactions may be carried out; and so on. Now, it is likely that some of those issues will be resolved—I have no doubt about that—but not all, not quickly and not without a cost to businesses and the economy.

If we look briefly at one or two of the ways in which the political agreement intends to take us forward, we can demonstrate how uncertain that is. On customs—this is in paragraph 27 of the political agreement—the UK has suggested a facilitated customs arrangement, or “facilitative” as it is described. But that is broadly similar to the maximum facilitation already described as fundamentally unworkable by the EU. On tariffs—this is in paragraph 23—what is said is fine in principle, but if we do not achieve that or if there is no deal, we are left with a situation where some people who support a harder Brexit are suggesting we set all our tariffs to zero and thus increase trade. However, were that to happen—this was confirmed yesterday in terms of the backstop—there is no guarantee that it would be reciprocated and it may well lead to the dumping of goods here from countries with massively lower labour costs, undermining business, jobs and prosperity here. Absolutely nothing is certain. In a sense, we are not taking a decision on an agreement; we are taking a decision on a wish list in a political statement, some or all of which may come to naught.

I have already gone through what is said in the political agreement about labour, and we are already seeing staff shortages, particularly in the rural economy. UK farms take in about 60,000 workers a year on a seasonal basis. The UK Government’s present proposal is for an evaluation scheme of 2,500 people. That does not cut the mustard. It may be that this matter is resolved in two or three years and that this issue is resolved quite successfully, but the damage will be done by then; the crops will have rotted in the fields.

I think that somebody said earlier, “This is all terribly bad news; it is all Project Fear—is there any reason for optimism?” Frankly, I do not think that there is. I do
not believe that an FTA could adequately mitigate the damage that Brexit will cause. The Government’s own assessment says that an end to free movement plus an FTA would result in a decline of around 6.7% of GDP.

It was argued in the UK Government’s Global Britain strategy that we would offset a decline in trade with the EU from being outside the single market by exporting to more countries. However, fully replacing the value of EU trade will be challenging, as illustrated by the trade flows from the emerging BRICS economies—Brazil, Russia, India, China and South Africa. I will use the Scottish figures to demonstrate that briefly. Those nations account for £2.1 billion, or 7%, of Scotland’s exports. By comparison, the EU accounts for £12.3 billion, or 43%, so even a small proportionate loss in trade, or lost growth in trade with the EU would require a dramatic increase in trade—over 30%—to those countries. We would all love to see that happen across the whole UK, but I suggest that that is highly unlikely.

If the UK signed agreements with the 10 biggest non-EEA countries, including the USA, China, and Canada—a process that could take many years—that would cover only 37% of Scotland’s current exports, compared with the 43% that goes to the EU. Some of the trade simply could not be substituted. If one is selling low-margin or perishable goods to the EU that are refrigerated in a wagon overnight, it simply cannot be substituted by shipping the same stuff to Australia, Japan or China. It simply does not work like that.

Finally on trade, it is also worth pointing out that despite the Government’s optimistic assumptions, even signing a substantial number of trade deals would result in an increase in trade of less than one quarter of 1% of GDP compared with the situation today—that was confirmed yesterday—if we successfully negotiate trade deals with the US, Australia, New Zealand, Malaysia, Brunei, China, India, Brazil, Argentina, Paraguay and Uruguay, the UAE, Saudi Arabia, Oman, Kuwait and Bahrain. That is an awful lot of risk for very little potential gain.

I want to talk about two other areas briefly. The first is foreign direct investment, now a key feature of the contemporary global economy and one from which the UK and Scotland derive considerable benefits. We have seen a substantial number of jobs in Scotland owned by EU companies that have invested here over the decades precisely to have access to the European market. There is no certainty that that would stay, and in the future much of it would go.

The second point that I wish to raise is productivity. The Bank of England assessment in the past week cites academic evidence that shows how tariffs may force the reallocation of “production toward less efficient domestic producers, lowering aggregate productivity.” So, even if there is substitution, as many argue, it is likely to lower aggregate productivity.

Mr Baron: Will the hon. Gentleman give way?

Stewart Hosie: I will, one final time.

Mr Baron: I appreciate the hon. Gentleman’s generosity. All the evidence shows that inward investment is about relative advantage. It is about lower corporation tax rates and flexible labour markets. It is about a skilled workforce and our universities. Tariffs of 3% to 5% are not as important as other factors, and I suggest that he look at the record inward investment that we have seen in this country since the referendum result, to prove that point.

Stewart Hosie: The hon. Gentleman is right in one regard: tariffs are important—in some areas, very important—but the non-tariff barriers, as I said earlier, may be more significant. We are already seeing skilled labour leave and not come back. We are already hearing that our universities, which he mentioned, are now worried because their academic working together with Europe is no longer there. The relative advantage of an English-speaking country with access to the EU market was there for all to see. Some people now wish to rip that up.

Every single Brexit model is bad. Investment is likely to fall, trade will most certainly be reduced, barriers will be erected, people will be poorer and productivity will be stifled. On that basis, we need to think, and think again—and quickly. As I see it today, and I will paraphrase the Prime Minister’s words from another constitutional debate: there is no positive case for Brexit, nor is the time for Brexit, and frankly, Brexit must be taken off the table.

1.46 pm

Mr David Davis (Haltemprice and Howden) (Con): Before I attempt to pick up on the shadow Chancellor’s final views on where we are going, rather than on where we are, I draw the House’s attention to a wider issue, which I think goes to a quite important set of facts that the hon. Member for Dundee East (Stewart Hosie) was talking about in terms of Scotland’s export arrangements. When economic historians look back on this time in 100 years’ time, I suspect that they will view Brexit as small by comparison with what has happened with the entire global trade. In the last third of the century, we have seen a huge transformation in the wealth of the world off the back of free trade. About a quarter of the world’s population, or well over 1 billion people, have been raised out of absolute poverty—$2 a day or thereabouts—by free trade. It has been a magnificent story over about one third of a century.

In that time, this has had an impact on us, too. We have gone from having 60% of our trade with the European Union and 40% with the rest of the world 20 years ago to nearly the other way around—in a couple of years, 60% will be with the rest of the world and 40% will be with the European Union. I am loth to quote forecasts, given the bad name that they are being given at the minute, but the projection—not a forecast—is that that will continue.

To pick up on the point made by the hon. Member for Dundee East, if we take the top three markets for British goods, or UK goods, in the rest of the world versus Europe, the top European ones of Germany, France and the Netherlands are dwarfed by our sales to America, China or Australia—our top three in the rest of the world. I take his point that we have to look very carefully, as we did when I was in government, at the regional balance of some of these exports, but the aggregate picture is very clear. Our trading future is more in the rest of the world than it is in Europe. This has huge implications—massively underestimated by the Treasury and Bank of England—for our over and again for the need to keep our freedom to do trade deals to maximise our ability to exploit that.
[Mr David Davis]

I am not going to spend very long on the actual proposal that the Government have put in front of us, because it seems to me very clear that it will not survive the end of this debate. Very quickly, the Attorney General’s advice tells us that the backstop would endure indefinitely and that it would tie us to the customs union with no escape. That has massive implications for what I just said. The deal would still leave us, whatever the Chancellor says, subject to the rule of the European Court of Justice, albeit by a back-door and concealed route. It would see Northern Ireland carved out of the United Kingdom and tied to the European Union single market and the customs union, and it gives away £39 billion in exchange for the vaguest of political promises on a future deal. Because of all that and because we would be locked in at the discretion of the European Union, it puts us in a formidably bad negotiating position for the future. In my view, other than the constitutional issues, that is the most serious practical aspect of what is proposed. I do not believe that it will survive, which means that the shadow Chancellor’s question, “What are the future options?” is the central question of the debate.

Peter Grant (Glenrothes) (SNP): I am grateful to the former Secretary of State for giving way. I note his reluctance to believe in forecasts, but he has not always been reluctant to forecast. In fact, on 25 May 2016, a month before the referendum, he said:

“That first calling point of the UK’s negotiator immediately after Brexit will not be Brussels, it will be Berlin, to strike a deal”. If my memory serves me right, he became that “UK’s negotiator immediately after Brexit”. Can he tell us how the striking of the deal in Berlin went and when did he lose it?

Mr Davis: People have to read more than one line of a speech. Perhaps the hon. Gentleman’s iPad is too small to carry more than one sentence. I also said that the critical part of the negotiation would not be the first two years, but the last three months, when France and Germany would determine the outcome. If the hon. Gentleman wants to quote me again, he should get it right next time.

Richard Graham: May I make one small point? My right hon. Friend has focused on the backstop on the Northern Irish border, and he has quoted the Attorney General as saying that we could be in that indefinitely, but surely the “if” is if we decide to go into the backstop in the first place. The other option is to extend the transition. Does he not agree?

Mr Davis: That is what is laid out in the proposal, but the transition will then come to an end, and at the end of that, we will still have to make a decision on where we are going, backstop or no. I am afraid that we are always in, and the point is that it is at the behest of the European Union, not at our behest. I have nothing against the European Union, but it is the negotiating partner that may gain an advantage from delay.

Mr Simon Clarke (Middlesbrough South and East Cleveland) (Con): May I reassure my right hon. Friend on that point? It is clear from article 3 of the protocol that it is not necessarily a right for us to have that extended transition. We can only ask for it, and that is a different thing.

Mr Davis: Yes, that is also true, but the general point is that the overall timetable is not in our control; it is in the other side’s control. As we have seen throughout this entire negotiation, the moment we gave away sequencing at the beginning, we gave an advantage to the other side. My right hon. Friend the Member for Clwyd West (Mr Jones), the former Minister of State, is nodding: he remembers it.

There are essentially three emblematic conclusions to this. The first is the World Trade Organisation, which we have talked about already—I doubt whether it will be a deliberate conclusion, but it is a possible one—the second is Norway, which a number of Members on both sides of the House have suggested might be the best outcome, and the third is Canada plus, plus, plus. There are compromises between them; there are mixtures of them; but those three essentially capture the possible outcomes.

Let me start with the issue on which I disagree with pretty much everyone who has spoken so far: the World Trade Organisation deal, the so-called no deal. The Chancellor called it a strict no deal, because he knows full well all the preparations that have been made in the Government to create a basic no deal, or basic negotiated outcome. There is a whole stratum, a whole spectrum, of possible types of no deal. Some of them deal with the issues that my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) raised earlier—aviation, data and so on. If this deal goes down, as I think it will in a few days, there will be a scramble in London and Brussels to start putting those one-on-one, unilateral negotiations together. So there is a range of possibilities.

Helen Goodman: I am slightly puzzled why the right hon. Gentleman is so critical of the backstop arrangement, given that he himself signed off the original draft in December last year.

Mr Davis: The hon. Lady clearly has not read my resignation letter, in which I made clear what I had said to the Prime Minister about that backstop arrangement.

Ms Dorries: Aviation and the WTO were mentioned earlier by my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston). The EU itself is looking for a deal on aviation, as we would be, so there is actually no difference. The EU still does not have a deal on aviation.

Mr Davis: That is hardly surprising, given that we have the biggest aviation hub in Europe and one of the biggest in the world.

Jim Shannon (Strangford) (DUP): It was said earlier that all the regions in the United Kingdom would support the backstop. Members of the Democratic Unionist party in the House do not support the withdrawal agreement. Does the right hon. Gentleman recognise—I suspect that he does—that Unionists feel alienated by proposals that will weaken our position in the United Kingdom of Great Britain and Northern Ireland, because
the EU will have the final say on what happens in relation to the single market and the customs union over Northern Ireland?

Mr Davis: Let me reinforce the point that I made to the hon. Member for Bishop Auckland (Helen Goodman): I told the Prime Minister that last December, as everyone now knows.

I do not take a utopian or a dystopian view of the WTO option. There are Conservative Members who think that it will be the best option in the long run, because it is the freest in terms of outcomes, and there are those who fear it as a complete disaster. I think that it is neither. There has been an enormous amount of black propaganda about the outcome of the WTO proposal. A month or two ago, we heard that the supplies of insulin would dry up. No, they will not. We talked to pharmaceutical companies and to the NHS, and they did their checks. No drugs will dry up, full stop. My hon. Friend the Member for Mid Bedfordshire (Ms Dorries) mentioned aviation. We were told that planes would be grounded, but a European Commission briefing document showed in January 2018 that there would be EU-wide contingency measures ensuring no stoppage of aviation.

Antoinette Sandbach: I should be grateful if my right hon. Friend looked at the evidence that pharmaceutical companies have given to the Business, Energy and Industrial Strategy Committee about the catastrophic results of a no-deal Brexit. I recall him saying that we would not need an implementation period, because we would have had our deal by now. I am afraid that it is not as easy or as simple as he appears to wish to outline.

Mr Speaker: Order. It is in order for Members to intervene, and it is in the nature and tradition of parliamentary debate in this place. However, I hope that I can be forgiven for making the point that if Members intervene and are not subsequently called to speak, they will not complain—brackets: what are those pigs I see flying in front of my very eyes?

Mr Davis: What a pity, Mr Speaker. I enjoy interventions, as you well know.

My hon. Friend the Member for Eddisbury (Antoinette Sandbach) has misquoted me from somewhere. It was I who negotiated the implementation period element, precisely because it is not without hicups. It is not without issues. There will be practical issues in the first year of a WTO outcome, but that does not overwhelm the big advantages—the massive advantages—of having the freedom to negotiate our trade deals in the future.

Mr Alistair Carmichael (Orkney and Shetland) (LD): Will the right hon. Gentleman give way?

Mr Davis: I am afraid not, on this occasion. I hope that the right hon. Gentleman will forgive me. I have just almost been given instructions.

Let me now say a little about delays at Calais. The first thing I say is that the French do not intend them to happen. I know that, in our chauvinist way, we expect the French to misbehave, but that is not their intention. The prefect of the Calais region, the representative of Calais and the head of French customs have all said in terms that they will do everything in their power—through lower inspection rates, light-touch phytosanitary inspections and the rest—to ensure that the trade between Calais and Dover will work. If there is a hiccup—we have had them before, with driver strikes and so on—we shall be able to divert 20% to 40% of the trade to other ports. That is a good example of the wild assertions that are simply not right.

I am very sorry that the Chancellor is not here, because I wanted him to hear what I had to say about the projections to which the hon. Member for Dundee East referred and on which I think he relied rather too much. It was not “The Rees-Mogg Times”, or some other organisation on one side of the debate, that criticised the Bank of England. It was a Nobel prizewinner, Paul Krugman—hardly a Brexiteer—who castigated the Bank, as did Andrew Sentance, a former member of the Monetary Policy Committee, who, again, is not a Brexiteer. Those were simply disgraceful polemical projections. They were not forecasts in any way, and I think that the Bank will come to regret them, if it has not done so already. So that is the practical element.

There is another issue to bear in mind. The WTO option is a walk-away; that is the problem—it is a walk-away. It is an outcome that we do not want, but we need it to have a proper negotiation; that is a hard fact that we have to face. We all think that we will suffer most from a WTO outcome, but that is simply not the case. There is an asymmetric arrangement here. We have a floating pound, to cite the German chief economist of Deutsche Bank, and the movement of the pound is what has protected us so far in the past two years, and it will protect us again. We have unilateral capability that nobody else in Europe will have: the ability to change our taxes and regulations to make sure we get the FDI—foreign direct investment—that the hon. Member for Dundee East talked about.

Finally, of course, we have the upside of the other free trade agreements, and that is another reason why I am sorry that the Chancellor is not present, because one of the big differences between him and me is that he does not believe free trade agreements deliver a large economic bang for their buck. The past 30 years of world history, however, show that there are billions of people in the world who might just take a different view on that.

The second option I want to talk to briefly is the Norway option. I looked at that option very carefully; indeed, I got castigated from my own side for paying it too much attention, but I thought that it was very important to ensure every single possible option was explored well, and I was approached by, and talked at great length to, my hon. Friend the Member for Grantham and Stamford (Nick Boles).

Norway plus appears to its protagonists to have three virtues. First, they say that it is the easiest option to negotiate; it involves the smallest movement and therefore is the simplest negotiation. Secondly, they say it meets the conditions of the referendum. Thirdly, they say it is the softest of soft Brexits. All those are possibly good arguments, except that they are not true. The negotiation would not be simple; we cannot simply stay in the EEA, as that does not work. Jean-Claude Piris, ex-head of the EU legal service, said in terms that we will have to renegotiate every single clause of the EEA arrangement.

Mr Speaker: Let me now say a little about delays at Calais. The first thing I say is that the French do not intend them to happen. I know that, in our chauvinist way, we expect the French to misbehave, but that is not their intention. The prefect of the Calais region, the representative of Calais and the head of French customs have all said
It will require unanimity from 30 different members, and they will exact a price. One of the advantages of Norway, we would think, is that we could control our own fisheries policy, but would we get that with a vote from Denmark, from France and from Spain? No, we would not. That is one of the problems: the negotiation hurdles are very big. It is reported that Michel Barnier said this was a possible outcome, but only in conjunction with customs union membership. With the two together, we are locked in; we are basically in a worse position than the Government's proposal. We are basically locked into the single market—no say and no control, but in every other respect, including the free movement of people and paying money, we will be locked in. Norway does not find it satisfactory politically, and, frankly, a country like ours certainly should not. So that does not work. Finally, it is said that this option delivers on the result of the referendum. No, it does not. Free movement, money, independent trade policy, jurisdiction of the supranational courts, rule taker—on all those criteria, we fail under Norway.

So what is left? The last option is the free trade agreement. I have long thought this was the best option. This is the one that has been called Canada plus, plus, plus and super-Canada and a variety of other names, and somewhere buried in the middle of my old Department of DExEU there is a pile of papers laying out how this can be done in detail, including some legal text. The concept is simple, and that is important in this context, because we will have very limited time in the last few months to negotiate this. I made the point a couple of years ago when making this argument that these are the three months that matter: the EU always takes the negotiation down to the wire—to the last day, the last hour, the last minute, the last second, and sometimes it stops the clock to allow the negotiations to conclude. And that is what is going to happen here; I suspect we are going to go deep into time on this.

Why was this option attractive? It was attractive because we could build it from precedents. Canada is an EU-negotiated precedent, and we could add to it—this is the plus, plus, plus bit—all the bits that are not good about the Canada option. There is no decent mutual recognition agreement; we can lift that out of South Korea or the Australian deal. There are no decent phytosanitary arrangements; we can lift that out of New Zealand. So we can go back to the EU and say, "Here we have a proposal constructed entirely of your own precedents. It can't undermine the single market, because you negotiated it. It can't undermine the four principles, because you negotiated it." That is the attraction of the Canada plus, plus, plus option—it is based on that template. It is all based on precedents previously negotiated by the Commission. So it is perfectly possible for us to create a draft legal text on the basis of where we are now and put that back to the EU and say, "The £39 billion rides on this. You have to agree the substantive elements before we sign off and then you have to agree the detailed elements by the end of 2019." There is plenty of time to do that on the basis of existing boilerplate text. That is what we should be doing. We should stop grovelling to Europe and start grasping our future.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): I stand proud to represent the borough of Hackney—proud that my borough voted 78.5% in favour of remaining in the EU, and proud that my borough is home to 41,500 European citizens, representing 15% of our population. And I am delighted to follow the right hon. Member for Mid Sussex (Sir Nicholas Soames), with whom I find myself in great accord in my distress that we are leaving the EU and making a long-term big mistake for this country. I celebrate the fact that the EU has brought peace and security to Europe for so many years.

But I am dismayed to follow the right hon. Member for Haltemprice and Howden (Mr Davis). He spent 20 minutes not telling us a great deal, but he was at the heart—on the frontline—of negotiations with the EU and he left: he walked away from the challenge and now comes to decry the Government option and nearly every other option on the table, rather than, when he had the chance, coming up with a solution. And I see the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) in his place, too. These are people who wanted to leave and have walked away, and they are now not even content when we are leaving.

Back in 2017, I voted against triggering article 50. Some might conclude that that is simply because I represent a borough that voted so heavily to remain, but, more than that, it was always practically impossible to disentangle from our long relationship with the EU in just two years. In my view we should have thought much more carefully about that.

There are huge practicalities in leaving which the right hon. Member for Haltemprice and Howden did not seem to cover at all. My Committee—which I am honoured to chair, and of which the right hon. Gentleman is a former Chair—has produced eight unanimous reports highlighting the challenges to the Government of preparing to leave the EU, and the civil service has been hampered by the need to develop plans for three different scenarios—whether we have a deal, no deal, or a transition—and all the various complications within them. This approach has been costly and confusing and means we lack real certainty, and businesses in particular—businesses in my constituency and up and down the country—are worried about the future.

In short, the Government have been reckless: they were reckless to call the referendum so quickly in the first place, with an ill-defined question that resolved nothing; in having no plan for what to do after that—not a single civil servant planning for an exit outcome; in triggering article 50 so quickly, again with no planning; and they have been reckless in leaving preparations so late in the day. We are not even going to get the legislation through Parliament. We possibly will if we sit 24/7 between now and the March, but there is a real risk we will not get that done.

The cost of uncertainty is also high in pounds and pence. I am proud to represent the tech sector in Shoreditch and the City fringe, but the cost of the deal is particularly harsh for small businesses. HMRC estimates that in terms of customs declarations alone small and medium-sized enterprises will have additional costs of between £17 billion and £20 billion a year just to comply with new customs if we crash out with no deal. There will be
huge supply chain disruption even if we have a deal, let alone if we crash out with no deal. There is also the huge issue of access to skills. As came out earlier in the House today, there is not even an understanding yet of what the Government’s new proposals for immigration will be. Many in the tech sector rely on immigration from around the world, including Europe, and that free movement has been crucial in filling some very particular skills gaps, but the Government have been silent on that as we approach this huge vote.

So I buck my right hon. Friend the Member for Leeds Central (Hilary Benn) because I believe that the House must not sanction no deal; it cannot be an option. I do not believe there is a majority in the House for no deal, but I fear that it could happen by default, and that would be a real betrayal of our role and responsibilities to the British public. So I urge all colleagues to rule out no deal emphatically. It is not a good solution by anyone’s count.

We also need seriously to consider extending article 50 or, if not, at least having a much clearer purpose about extending the transition period to combat the uncertainty that my right hon. Friend the Member for Hayes and Harlington (John McDonnell) has already highlighted. I shall not repeat what he said. We need to get to a better solution. We need preparation and certainty for business. We need the understanding of what immigration will be like, and we need to reach consensus. If we cannot do that, we will have failed the British public.

Many of my constituents have asked me to support a people’s vote. I certainly did not rush into supporting this. I think that the right hon. Member for Mid Sussex and I share some of the concerns about what it could do to our country and to the trust placed in referendums. The proposal is riddled with challenges, not least that it would take a great deal of time. We would also have to have a majority for it in this House, and the Government would have to heed that. They would have to bring forward a Bill, and that Bill would have to have a majority. This is before we have even decided what the question would be.

The Government have so far failed this country at every step of the way. The deal on the table is bad for Britain, and I cannot in all honesty support it. I do not believe that the Government will get it through next week, so Parliament will need to step up. If we cannot agree at that stage, there will be no alternative but to return to the people, with all the damaging consequences that that could lead to.

Several hon. Members rose—

Mr Speaker: Order. The five-minute limit on Back-Bench speeches will now have to apply. I know that the right hon. Member for Ashford (Damian Green) has been notified of this.

2.11 pm

Damian Green (Ashford) (Con): Thank you, Mr Speaker. It is always a pleasure to follow the hon. Member for Hackney South and Shoreditch (Meg Hillier). By my calculation, I am the 93rd speaker in this debate, so the challenge is clearly to find something new to say. This is an issue that excites high passions, and sometimes destructive and dangerous ones, but if Parliament is to do its job—this institution is being tested as much as possible—we need to temper those emotions with calm judgment.

The root of our difficulties is the fact that the referendum result was 52% to 48%. How do we turn a binary referendum result like that into a treaty and legislation? We need to do two things. The winners need to see that they have won. I say that as someone who campaigned as hard as anyone on what was the losing side. But at the same time, the settlement of that win needs to aim at uniting the country, as the Chancellor said. I have come to the conclusion that the best way to do that is to support the deal that is on offer. There are many positive aspects to the deal, including the free trade area to which the Chancellor referred. Also, it meets the needs of EU citizens here and of UK citizens in EU countries.

The financial settlement is a considerable improvement on the €70 billion to €100 billion we were originally told we would owe. Some of our negotiating has been extremely successful. Indeed, I appear to think that it was more successful than one of the previous Brexit Secretaries thinks it was. I am also, unashionably, an admirer of Ollie Robbins. One of the key things we have negotiated is the transition period, which is not only sensible but essential for the future economic health of this country. However, to have the transition period, we have to have a deal. No deal means no transition. We are three and a half months away from a completely new set of rules, for which no one is prepared. So we should now, logically and unemotionally, work out which is the best possible deal on offer and also, among the hierarchy of things on offer, work out what is the worst possible one. Contrary to what the previous Brexit Secretary believes, I believe that no deal is by far the worst thing on offer.

I recently visited the port of Dover to receive a practical briefing on the implications of any disruption to the Dover-Calais crossing for the approximately 10,000 trucks a day that pass through the port. This is not so much about complaints about the British Government’s preparations for no deal; it is more about what would happen on the French side. I shall give the House one small but vivid example. A lot of the trade that goes through the port involves food, and if we have no deal, the French will want to check that our food meets their health standards. To do that, they will have to stop many of the trucks, first to check whether they are carrying food and then to inspect it. There would be queues within hours, and within days the whole of Kent would be gridlocked. It would be a disaster for my constituents and for the country. That has nothing to do with any preparations in this country; it is about the preparations in France.

The Dover-Calais crossing is one small example of what the Chancellor was saying about industries around the country, and I believe it illustrates that the result of no deal would be chaos, dislocation and huge economic difficulties. I will no doubt be accused of promoting “Project Fear”. If I am, it is because I am afraid. I am afraid for my constituents and my country if no deal is where we find ourselves in March. And to those who are advocating trade deals, I would gently point out that if trade deals are so good, which I agree they are, why are we starting the process by wanting to pull out not
just of a deal with our largest trading partner but of all the other trade deals it has negotiated around the world?

This vote is about more than the economy. It is about Britain’s role in the world. It is more than 60 years since an American friend observed that Britain had “lost an Empire and has not yet found a role”.

Today, the country has decided to lose its EU membership, but it is nowhere near finding a new definition of our national purpose. Global Britain is a good slogan and a great aspiration, but at the moment it is nothing more than that. We need to find a new national purpose, and we need to do so as quickly as possible. I will be supporting the Government, and I urge the House to do the same.

2.16 pm

Ms Angela Eagle (Wallasey) (Lab): After two wasted years of wrangling with her own Cabinet and her own party, the Prime Minister has come back from Brussels with her deeply flawed and unacceptable EU withdrawal deal. And she has achieved the impossible: she has united the country in horror against it. According to all the official forecasts, this is a draft treaty that will make our country poorer. Far from taking back control, the deal we are debating today gives away both our sovereignty and our influence. And as the Attorney General’s advice has confirmed, this treaty gives the EU a veto on our leaving a temporary customs union arrangement even if talks on a new trade deal have irreparably broken down. This is a deal that transforms us from rule makers into rule takers and diminishes our influence in the world.

The Prime Minister promised to provide a detailed and substantive document on our future relationship with the EU alongside the draft treaty. She has actually supplied a half-baked 26-page wish list of banal aspirations that was cobbled together at the last minute and has no legal force. The failure to outline the nature of our future relationship with the EU makes this agreement a blind Brexit, and that is completely unacceptable. The Prime Minister expects this House to endorse her deal without any clear idea of what our future trading arrangements might be. She asserts that there is no alternative to her deeply flawed deal apart from a catastrophic no-deal Brexit, which we know would decimate our economy. This negotiation is an abject failure by a Prime Minister who has confirmed, this treaty gives the EU a veto on our leaving a temporary customs union arrangement even if talks on a new trade deal have irreparably broken down.

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This could all have been so different. The Prime Minister has badly mishandled the Brexit process from the beginning, making a series of catastrophic misjudgments, and she is now reaping what she has sown. As a newly installed Prime Minister, she could have shown some real leadership. She could have recognised that although the country had voted to leave the European Union in 2016, there was no instruction from the people on what sort of Brexit the Government should pursue. She could have launched a national process of debate and reconciliation to build consensus around the best way forward as a way of healing the raw divisions that the referendum exposed. She could have involved the Opposition parties in this endeavour, recognising that her predecessor in Downing Street had done nothing to prepare the country for what would happen if the leave campaign won. But she did not.

The Prime Minister chose instead to kowtow to the irreconcilable Brexit ideologues in her own party. In place of a national debate and a hope of reconciliation, we were told, “Brexit means Brexit”. In her first conference speech as party leader, she set the tone by lambasting citizens of the world as citizens of nowhere, insulting and worrying EU citizens working in the UK. She has since accused them of jumping the immigration queue. Absurdly wrapping herself in the Union Jack to appease her own Eurosceptics, she then set a course in her Lancaster House speech for a hard, “red, white and blue” Brexit. The Prime Minister interpreted “taking back control” as centralising power to herself and her increasingly dysfunctional Government. Far from reaching out and respecting the sovereignty of Parliament, she attempted to ride roughshod over the constitutional role of this House. She had to be dragged kicking and screaming back to Parliament by the Supreme Court, which confirmed that legislation was required to invoke article 50 and fire the starting gun on the withdrawal process.

Once the Prime Minister had triggered article 50, she promptly called a general election in the expectation that she would win by a landslide—

Chris Ruane (Vale of Clwyd) (Lab): She let me back in.

Ms Eagle: And we are all grateful for that. In the event, the Prime Minister squandered three months’ negotiating time and the first Conservative majority for 25 years. This Prime Minister has repeatedly invoked her own partisan definition of “the national interest” when, in truth, she has acted at all times in the narrow sectional interest of her own deeply divided party. That is why her belated pleas for unity and an end to division rang so hollow when she opened the debate on Tuesday. Rarely has such narrow rigidity and authoritarian instinct met a situation that required maximum flexibility and creativity. Rarely has there been such a catastrophic failure of imagination, political judgment and party management. I cannot support this botched blind Brexit deal. It fails to protect jobs and economic prosperity, and it will make us poorer.

2.21 pm

Ms Nadine Dorries (Mid Bedfordshire) (Con): It is a pleasure to follow the hon. Member for Wallasey (Ms Eagle). I always find it slightly amusing when Labour Members describe the Conservatives as deeply divided—

Albert Owen: It’s true.

Ms Dorries: The reverse is true. It is also a pleasure to speak after the right hon. Member for Mid Sussex (Sir Nicholas Soames), and I particularly enjoyed his reference to Lewis Carroll. While listening to the hon. Member for Dundee East (Stewart Hosie), who is not in his seat, I was put in mind of Milton:

“No light, but rather darkness visible.
Serv’d only to discover sights of woe”.

Of course, that comes from “Paradise Lost”, which is exactly what the hon. Gentleman’s speech sounded like. As we are on a literary theme, I want to quote the Attorney General, who described the deal before us as
akin to Dante Alighieri’s first circle of hell which, as we all know, is limbo. In fact, it is worse than limbo, because it is a bit like imprisonment, and it is why I, on the behalf of many thousands of representations, will not be able to support this deal. If there was a guarantee that we could secure a trade agreement at the end of the transition period and if there were no automatic backstop, I may have been able to support it. However, I am doubtful that we would able to secure this trade agreement. The Chancellor said that he would prefer to see an extension of the transition period, and then there would probably be another extension, which is what the Attorney General was referring to.

I see no reason why there could not be a time limit on the discussions for a trade agreement with the EU. Canada has already been there and done that with the comprehensive economic and trade agreement, and those negotiations make me doubt that we would reach an agreement in the first phase of the transition. CETA took seven years, and it has still not been signed off and ratified—it is still a provisional agreement. We may not reach a trade agreement with the 27 member states, and we have already seen how difficult it is to negotiate with them. Belgium was incredibly difficult during Canada’s negotiations with the EU, for example. If we do not reach an agreement, we will have to ask the 27, “Can we leave?” There is no unilateral way to exit, which is like taking us into the transition period, but in a pair of handcuffs, and I simply cannot agree to that. That is not what people voted for. They did not vote for limbo or to continue to be dictated to by the 27 member states.

Turning to the backstop, whatever side of the House or the argument they are on, I know of no Member who will answer positively to, “What do you think the chances are of us negotiating a trade agreement with the EU in the transition period?” Almost everyone says, “Absolutely none.” We will therefore end up in the backstop by default. According to the legal advice, which the Attorney General provided at the Dispatch Box without having to publish it, that will put us in an extremely difficult position. Again, there is no unilateral way out, and it will precede the break-up of the Union. It puts us in an invidious position with regard to the Northern Ireland agreement. It will lead to a scenario that we do not need to be in.

I started talking about Canada, and that sort of agreement was offered to us by Barnier. Our negotiators refused to accept it, but it was what was articulated in the Lancaster House speech. If the Prime Minister had come back with an agreement based on that speech and on the Canada plus agreement that she was offered by Barnier, I would vote for that on the behalf of my constituents and they would agree with it, too. Sadly, however, she did not, and I cannot support this withdrawal agreement.

2.26 pm

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): I rise to speak today on what is the United Kingdom’s 96th birthday. The United Kingdom of Great Britain and Northern Ireland started 96 years ago. When I think back to John Major talking in the ‘80s about 1,000 years of British history, I have longed to utter those words and make people realise that the UK is not as old as he thought.

On this 96th birthday of the United Kingdom, we are in what I would call a Laurel-and-Hardy situation with Brexit. It is clear that Brexit is crazy, silly, wacky, cuckoo, potty, daft, cuckoo, potty—list the list—the list goes on. In Gaelic, I could say that it is gòrach, faoin, amaireach, caoicheil, air bhoil—the list again goes on. We are seeing that the UK will struggle to see its 100th birthday as a result of this nonsense. As the Chancellor laid out in his speech earlier, Brexit will have opportunity costs. He gave us five scenarios, but we are down to two scenarios from the Government. The Prime Minister has given the UK a choice between a deal or no deal, leading to economic damage of between 3.4% and 6.4% of GDP or 6.3% to 9% of GDP respectively. Each percentage point of GDP equates to up to £26 billion. By way of contrast, the 2008 crash was a 2% event. Those percentage points mean a loss of jobs, wages, prosperity, housing, infrastructure, taxation for health and education funding and so on.

How does all that happen? Well, there are a few examples. For instance, Toyota takes 50 lorries a day across the channel to factories in Derbyshire, with a four-hour lead-in time. If there are snarl-ups at the border, that will not happen. There was a lorry crash in Belgium. In this crazy fantasy, 96 years later, the Irish are delighted that they have left. For those who voted no in Scotland in 2014, there is an awakening going on, and that is without a campaign—incidentally, people can visit SNP.org/join if they want. People are seeing the two unions differently. One is a union of independent nations of Europe meeting as equals, and the UK now knows the muscle of independent Ireland and Varadkar, with 26 behind them in a regional trade agreement. Leaving that union is tearing up trade arrangements. By contrast, when Scotland leaves the United Kingdom, we will merely be completing devolution to move political powers from here to Edinburgh, closer to the people.

Had we left in 2014, this folly and nonsense of Brexit would not have happened. Brexit, in actual fact, overturns the will of the Scottish people. It does not respect
Scotland or the result of the votes of the Scottish people. Brexit shows the epic misgovernance of England, so what chance is there for Scotland when England cannot govern itself well? The escaped Irish have belly laughs, and their biggest wind-up is to go on television at various points of crisis and tell the UK to stay calm. Back in Tipperary, Waterford and Galway they are laughing, because they know exactly what it means to tell London to stay calm. The UK has many problems, and they are of its own making. The UK has crashed the Rolls-Royce, and the Prime Minister is trying to tell us that the choice now is to go down the second-hand car shop to choose a second-hand car or a moped. It is an absolute mess.

David Schneider, the comedian, tweeted today that in 2016 the Brexiteers said “Take back control! Make Parliament sovereign again!”’, which he contrasted with Lord Digby Jones, who said on Twitter yesterday, “Beware the tyranny of Parliament!” As Laurel and Hardy said, what a fine mess they have got themselves into.

2.31 pm

Sir Oliver Heald (North East Hertfordshire) (Con): I pay tribute to the Prime Minister for her dedication, hard work and resilience in these extremely difficult negotiations with the EU.

I start by making it clear that I have always been a supporter of European co-operation. The EU has been an important economic expression of the western alliance. In the 1980s, when countries looked to the west for freedom and security, they were looking partly for important economic freedoms, which they saw as being represented by the EU.

I had no doubt when the referendum came that I should support staying in the EU. I was a founder member of Conservatives IN, I campaigned hard, and I said throughout that I would accept the national verdict, but I was as disappointed as my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) when we lost the referendum.

I will be voting for this agreement next Tuesday. I never thought I would do such a thing, but I will be voting for Brexit. It will be hard for me to do that, but I am compromising because I think I have to do so, given the vote of the people. I am a democrat, and this is something I just have to do, but it will not be easy.

My area relies on advanced integrated European manufacturing, and we have enormous businesses. For example, we have Johnson Matthey, a FTSE 100 company, in Royston. It is a world leader in catalysts and chemical technology, and it has 2,000 employees in Royston. The company is desperate that we should have an agreed deal, and the CEO has written to me this morning:

“Our business relies on just-in-time supply chains, closely aligned regulatory frameworks and access to scientific cooperation networks...any disruption will adversely affect the competitiveness of our business and...future innovation, trade and investment...an agreed ‘Deal’ is better than ‘No Deal’... It allows us to work with our customers and suppliers to maintain business and plan strategically for future trade scenarios.”

Johnson Matthey is not a company that took sides in the referendum. My hon. Friend the Member for Mid Bedfordshire (Ms Dorries) might like to know that the company is optimistic that we can build a globally competitive Britain post Brexit, but the point it is making is that we must avoid the disruption of a no-deal Brexit.

The Attorney General has done a marvellous job of explaining the legal position on the backstop to the House. He did it in an exemplary fashion while also defending client privilege and the Law Officers’ convention. It is true that the backstop arrangements are unsatisfactory, but the legal basis for it is a temporary one, and there is no question but that, if it comes to a point where negotiations have broken down, there are things that can be done—a joint conference and independent arbitration—to resolve the matter. As the Attorney General made clear, performance in good faith is a key concept of international law. For rule-of-law countries not to perform a treaty in good faith would be extremely damaging to their international reputation and standing.

Above that, permanent continuation of the backstop would be vulnerable to legal challenge in international law, on the basis that the treaty purpose had ended in that no agreement had been achieved, and could not be achieved. That would allow a challenge under article 62 of the Vienna convention of 1969, and under EU law because article 50 provides a legal basis for a temporary arrangement only, namely an orderly withdrawal. I am confident that the backstop could not last forever.

When the Attorney General was asked this question by my right hon. Friend the Member for New Forest East (Dr Lewis), he said that, no, it would not be permanent. He has to make a decision, as I do, on how to vote, and he said he would look at the legal risks and, having assessed them, he will vote with the Government, because he believes that the risks are such that it is still better to follow this agreement. I share that view. Overall, my judgment, like the Attorney General’s, is that we should support the Prime Minister in this.

Britain is a strong country, capable of weathering storms, but that does not mean we have to call down the heavens upon us. We must deliver a Brexit that brings out better weather, gives the UK the opportunity to put a spring in its step and puts the storm clouds behind us. It is time for a deal. It is time to compromise.

2.36 pm

Dr Alan Whitehead (Southampton, Test) (Lab): The Government projections that came out recently reveal that the proposals will probably impoverish the UK economy by about 3.9% over 15 years, removing some £100 billion from the economy. To those who say that the UK continues to grow, I would simply say that, if they systematically starve their children, they may well grow but they will end up much shorter than they might otherwise have been had they been fed properly.

That figure is significant in several ways. There was no hint of it in the referendum. The talk was of sunny uplands, of a Brexit dividend and of Britain booming through trade across the world. We now know that to have been a bare-faced lie. We know that the replacement of substantial elements of our trade arrangements with the EU by bilateral world deals would replace only a fraction of what might be lost. It is not a manageable loss, as the Chancellor says when he tries to defend the deal. It is a serious and permanent shrinkage of the UK economy over a sustained period. Of course, not only is
it a permanent shrinkage but it is a shrinkage of those parts of the economy that need the economy to work most. London may well survive the shrinkage, but other parts of the country will not do so well. Indeed, many of those places were attracted to Brexit because they thought it would be good for the country as a whole.

That all brings me to the central question. The analysis was published relatively recently, but the Government surely knew much of the content previously. A disastrous series of red lines informed the negotiating process. The eschewing of the single market, the avoidance of the customs union and a number of other starting prejudices shaped the negotiations and led to the pitiful outcome that has now been presented to us. They were conceived in the knowledge that what would transpire from those positions would impoverish the country to the extent that is now apparent.

That is what we have in front of us: a group of politicians who negotiated all along knowing their stance was wilfully leading to a national impoverishment, yet they persisted and kept up a pretence of it being otherwise while they proceeded to throw away the country’s prospects and future in pursuit of a deal they thought could square away the arch-Brexiters in their midst, who thought, even more catastrophically as it turns out, that salvation lay in crashing out of the EU in an unco-ordinated way—and they still apparently think that, despite all the evidence now before us. That is just an unacceptable way of going about dealing with the future of our country.

No one went to the polls knowingly willing to do grievous damage to our country’s future economic welfare.

So here we are now, four months before the self-imposed timetable for exit is due to expire, with a half-cooked deal that will damage our country substantially. We all know now that it is not fit for purpose and will be roundly rejected by Parliament, and we are facing the need to pull something positive out of the wreckage into which this incompetent Government have plunged us. It is imperative that negotiations are restarted on the basis of known parameters that will not harm the UK economy. We know that the economy will be harmed if they continue to be ignored. I refer to membership of the customs union and close association with the single market—in other words, getting the best out of a disadvantageous situation rather than pouring petrol on the flames and making it worse.

Of course, the final rather obvious observation that goes with this is that an imperative first step in any plan to recover from this disaster is to put in for an extension to article 50 to enable meaningful negotiations to proceed. The fact that the Prime Minister keeps repeating that she continues to be ignored underlines how out of touch with the realities of the current position she appears to be.

Given what I have described, it is hard to see that anyone should have any confidence in the Government to conduct such future negotiations, and it would be preferable for someone else to do them. However, I know that is not the way things always happen, and it may well be that we will have a Government who have the confidence of the House but are practically unable to do anything: a zombie Government who are unable to respond properly to public concerns about the future of our country. If that is the outcome, it will be essential to test what the public think of all this. It will be evident that Parliament, for all its best endeavours, may not be able to resolve matters. That is where I think, in the end, a test might need to be effected: a half-baked non-deal against perhaps remaining in the EU and fighting for the changes that the country wants from the inside, rather than outside its structures.

2.41 pm

Mr John Baron (Basildon and Billericay) (Con): I speak to the amendment that stands in my name and those of my right hon. and hon. Friends. At times, although not so much in this debate, there has been a sadness of tone in these debates, but I wish to recognise how well the Prime Minister has handled herself during these testing times and commend her for that.

Part of the problem is the way we have approached these negotiations from the start. Some saw Brexit as a problem to be managed, but it should have been an opportunity to be seized. I believe that that opportunity is still there. We have the prospect of trade deals around the world, and we do prefer constructive trade deals to WTO terms—of course we do. We also have the opportunity of introducing an immigration system that no longer discriminates against the rest of the world outside Europe—we currently have to sign up to such a system as members of the EU. We could have a fair immigration system, roll back the ECJ and take control of our finances.

Those opportunities are still there, but the problem is that we have descended into the situation, partly because of an unnecessary general election, whereby we have encouraged EU intransigence. Concessions have been offered and they have been pocketed with nothing in return, and we now find ourselves, via this agreement, in the position that Mervyn King, the former Governor of the Bank of England, correctly described as sacrificing “the benefits of remaining without obtaining the benefits of leaving.”

That is where we find ourselves at the moment.

The withdrawal agreement is in two parts—the transition period and the backstop. Let me make it clear that there are elements of the transition part that I find difficult to stomach. We know about the bits about the money and the ECJ, but, in essence, the transition period itself is like staying in the EU: it is a question of staying on for those extra 18 months while we try to negotiate a trade deal. It is a transition period—there is a definite end.

What I have a problem with is the backstop. We have to be clear that we have to be pragmatic; we are where we are. After 40 to 45 years of integration, one is not going to leap from imperfection to perfection in one bound—it will take a series of steps, so we have to be pragmatic. As a keen Brexiteer, I am prepared to swallow the transition period, because one hopes we will negotiate a free trade deal of some sort that will be mutually beneficial, and this is a transition period, with a definite end. I can stomach that, but what I find more difficult to stomach is a backstop in which we could be permanently entrapped, in suspended animation, being able to leave only at the behest of the EU. That is like entering a contract of employment that gives only the employer the right to terminate the contract. Nobody would enter that with their eyes wide open—it is completely wrong. During that period of suspended animation, we would not be able to form trade deals, and the precious Union with Northern Ireland would be affected. Having served
We should take it with a pinch of salt when the Government say, “Ah, but it would be uncomfortable for the EU and therefore it would not be permanent.” Not only would it be uncomfortable for us as well, but the EU has a long track record of cutting its nose off to spite its face in order to achieve political objectives. So I do not buy the argument that we would automatically find ourselves out of the backstop because the EU would find it uncomfortable. Situations such as this make the alternatives more attractive.

In summary, my amendment would give the UK a unilateral right to exit the backstop. It does reflect reality and I hope that the Government will go a long way towards giving this issue of unilaterally getting out of the backstop serious consideration.

2.46 pm

Hywel Williams (Arfon) (PC): I have had many opportunities to comment on Brexit in respect of Wales, the UK and the implications for our European partners, so today I wish to outline some concerns I have as a constituency MP that lead me to say that I will oppose the Prime Minister’s deal when I have the opportunity to vote on it.

Arfon is part of the West Wales and The Valleys region. We have a low GDP; it is on a par with that of Spain, Portugal and parts of former communist eastern Europe. As such, we receive EU cohesion funding and other European money, such as Interreg funding to promote links, for example, with Ireland. Agriculture is a significant part of the local economy and, again, it depends on some EU funding. The EU has had these regional and cohesion policies in place for many years, but there is much concern locally about the complete lack of detail as to the arrangements for the shared prosperity fund, which is going to replace the EU funding. That concern is sharpened further by an appreciation that time is very short. Bangor University and Ysbyty Gwynedd, the local district hospital, depend on having EU staff. Bangor University has also recruited many students of EU origin and has excellent EU research links. The university has received significant sums from EU sources.

Arfon also has a number of private sector employers who are headquartered in the EU27. Crucially for our own local economy, we have small exporting businesses, ranging from craft and music businesses to specialised exporters of live plants and a specialised steel forging company that produces equipment for the climbing world. It has already been considering what to do as a result of Brexit and is setting up a distribution centre, not in Llanberis in the heart of Snowdonia, but in the Netherlands—it is taking that step now.

EU employees at the university are worried about the potential future effects, both personally, and in respect of their work, careers and research interests. Terming them as “bargaining chips” and, outrageously, as “queue jumpers”, has only added to their worry and indeed their anger. Many EU staff came to the university because of particular aspects of their academic work in which Bangor excels. They worry that paths and possibilities will not be open to them in future.
markets, which will further strengthen our economy and the economies of our trading partners. We have to believe; we have to lead; and we have to act. The British public want a Brexit deal done soon. They want an independent and global Britain that can take advantage of controlling its own destiny. We need to be upbeat and believe in ourselves: we are a great country with a great future. Let us be positive on this matter. We need to look beyond Europe to the developing world, the far east and other markets where there are trade deals to be done. We should therefore be upbeat, positive and enthusiastic about this country after we leave at the end of March.

I have to be definite: I do not want a no-deal Brexit. I do not think that would be good for our country, and we have to work hard to make sure that it does not happen. Nevertheless, the majority of my constituents feel that this particular withdrawal agreement contains some difficulties. A lot in it is good, but I am afraid that certain things are not. The political declaration is an interesting document and I welcome its content. We should be working towards having "no tariffs, fees, charges or quantitative restrictions across all sectors".

There are many good words in the document and good things that we believe in.

There are plenty of good points, but I have one area of concern. It has been raised everywhere in the debates this week, some of which I have sat through, and it is, of course, the backstop. It is a real problem. We want a deal that gets us out and we want to have good relations with Europe, because Europe is home to our neighbours and trading partners. We want to do business with them, but we do not want to be their prisoner before we can make the trade deals that we need with the countries of the world. Let me use the example that I used in a meeting with the Prime Minister. If I am buying a house, I want a completion date. I do not want to give over the money—in this case, the £39 billion, although my house would not be worth that much because in Bexleyheath and Crayford we do not have those kinds of properties—without an end date. We want a completion date. I am really concerned about the backstop.

I listened to the Attorney General on Monday and his exposition was very good, but he did leave me with some questions. I am concerned that Northern Ireland would be treated differently from the rest of the country. It is not acceptable to separate one country that is part of our United Kingdom. Negotiation requires compromise, but for me the backstop is a step too far and leaves uncertainty as the central feature of our negotiations and the conclusion of our exit from the EU.

Let me conclude with this thought. Will the withdrawal agreement allow Britain to take control of its laws, its money and its borders? If not, there is something wrong with it. If it does, we should support it. However, if the backstop is not looked at and dealt with, and if there is no end date, the deal is flawed. I urge my right hon. and hon. Friends on the Front Bench to look again at the agreement to make sure that our United Kingdom remains united and that there are no differences for different parts of this country when we leave the EU.

2.56 pm

Mr Clive Betts (Sheffield South East) (Lab): In the referendum, Sheffield voted 51% to 49% to leave. My constituency voted two to one to leave. Like the country, the city was split, with the more affluent western parts voting to remain and the poorer eastern part voting to leave. Whatever happens with this deal and the vote on it, we have to understand the reasons that led many of the poorest parts of the country to vote to leave. People feel left behind, disadvantaged, and that the burden of austerity has been placed on them unduly. That is the truth of the matter, and we have to recognise that. As I said to the shadow Chancellor, my right hon. Friend the Member for Hayes and Harlington (John McDonnell)—and I think he agreed—we need a major programme of economic and social reconstruction to help these areas.

We also need to understand the issue of migration, which affected many people in these areas. It is not good enough simply to dismiss the concerns and fears that people had as racism. We should recognise that migration from eastern Europe had real impacts on communities, which got very little help to deal with it—in fact, they got no help at all from the Government. We also have to recognise the feeling that people come over here and claim benefits, having paid nothing into the system. We did not use the 90-day rule in the way that countries such as Belgium did to prevent that from happening. It could have removed many of the concerns, or more appropriately dealt with them.

I think back to Sheffield in the 1970s and 1980s, when we lost 45,000 jobs in steel and engineering in the Don valley alone. Now, with the advanced manufacturing research centre, we have Rolls-Royce coming in, and Boeing and McLaren, and, building on the companies that are left, such as Forgemasters and Outokumpu, we have created new, high-tech, advanced jobs. I will not vote for any deal that puts those at risk. That is the fundamental issue for me to consider in deciding whether to vote for this or any other deal.

Some 56% of Sheffield exports go to the EU. That is higher than the national average. I have had a lot of advice, as I am sure all hon. Members have, from constituents telling me how to vote. Interestingly, very few people have written to me saying, "Vote for this deal." The Prime Minister has managed to unite leavers and remains against her deal. I have, however, had one letter, from Tinsley Bridge, an important exporter in my constituency, saying, "Please vote for the deal," not because it thinks it is a particularly good deal, but because it worries that the alternative is no deal, which would put its just-in-time business at risk. I say to Tinsley Bridge and other businesses that we are not going to leave with no deal; that is not a good reason for voting for the bad deal that the Government are putting forward.

In the end, businesses are concerned about uncertainty, and the Government’s deal is all about uncertainty. It perpetuates uncertainty. Everything is postponed until 2020, at the earliest, and almost certainly until later, and the chances of getting a good deal then will be lessened because we will have given away all our bargaining power. The EU can keep us in the backstop until it chooses to let us go. We will have no bargaining power whatsoever. According to an article in the Financial Times, the path to an independent trade policy “is one of the most ambiguous and contradictory parts of the political declaration.”

This is an uncertain deal, an unclear deal and a contradictory deal. I cannot vote for no deal, because that is the greatest risk to jobs in my constituency, but I
cannot vote for an inadequate deal either. I want a deal that keeps us in a customs union and closely tied to the single market. If we cannot get a deal that protects jobs in my constituency and preserves living standards, environmental protections, health and safety protections and workers rights—or rather if we cannot get a change of Government to secure that deal, since no one can trust this Government any more to secure a deal in the interests of the British people—I will, at that point, be prepared to consider voting for a second referendum, so that the British people, knowing clearly what they are voting for, can choose between clear-cut options. If we have to do that, it should be seen as an enhancement of the democratic process, not a negation of it.

3.1 pm

Mr David Jones (Clwyd West) (Con): It is a huge privilege to contribute to what I believe is the most significant debate to be held in this Chamber for approaching half a century. The decision we come to on its conclusion will determine nothing less than whether the United Kingdom takes its place in the world as a free and independent country once again, or whether it becomes the fragmented client of a foreign power and subject to the jurisdiction of a foreign court.

I was an enthusiastic campaigner for a leave vote in the 2016 referendum. It was clear to me then, and it is clear to me now, that at least in the part of the world that I represent there is strong support for the United Kingdom to leave the European Union. The referendum was decisive. The House has a mandate from the British people—and indeed, an absolute duty—to restore British sovereignty. The way to do that is set out in article 50 of the treaty on the European Union. It shows the way. It provides that any member state wishing to leave must give notice of its desire and that at the end of a maximum period of two years the European treaties cease to apply to it.

Ceasing to be part of the EU means, essentially, ceasing to be part of the arrangements established under the European treaties, which means ceasing to be part of the single market and the customs union and, most importantly, ceasing to be subject to the jurisdiction of the European Court of Justice, the institution in which the sovereignty of the EU resides. The Prime Minister acknowledged that in her excellent speech at Lancaster House last year. In that speech, she specifically rejected partial or associate membership of the EU or anything that left us “half in, half out”, as she put it. She said:

“We will not have truly left the European Union if we are not in control of our own laws.”

That speech demonstrated a perfect understanding of what it was to be part of the EU and how we should leave, but the withdrawal agreement is so utterly different from what was envisaged by the Prime Minister at Lancaster House that it is with great sadness that I must say that I cannot support it. As many other right hon. and hon. Members have set out, the key problem is of course the backstop. It is ostensibly designed to ensure that there is no hard border in Northern Ireland, but the reality as far as the United Kingdom is concerned is that we are at huge risk of remaining confined in the customs union indefinitely and consequently unable to conclude our own free trade agreements with third countries around the world. That deeply disturbing state of affairs will continue until it is replaced by an undefined political agreement, an agreement that may well never be concluded, in which case we remain in the backstop.

As it stands, the withdrawal agreement is hugely beneficial to the European Union. It preserves tariff-free access to the fifth largest economy in the world. It enables the EU to deploy the strength of the UK economy in any treaties it may wish to conclude with third countries. I have therefore no doubt that, contrary to what we have heard earlier from other hon. Members, there is every incentive for the European Union to keep the United Kingdom in the backstop. In other words, we would remain locked into this arrangement at the pleasure of the European Union. We would effectively become a client state of the European Union and our freedom to depart would be impossible. Furthermore, the agreement establishes a state of affairs under which an integral part of our sovereign territory, Northern Ireland, effectively becomes a colony of the European Union, subject in large measure to the single market and the customs union and EU supervision and legally semi-detached from the rest of this country. As a Unionist, I cannot support that happening to Northern Ireland any more than I could support it happening to the Isle of Wight, the Isle of Skye or the Isle of Anglesey.

This is a thoroughly bad deal. There are many aspects of concern in it, not least the £39 billion, which we would, for some reason, be paying for this false Brexit, but the single biggest objection must be that it robs the United Kingdom of its sovereignty, of its freedom of self-determination and, potentially, of a large and important part of its territory contrary to the wishes of its people. For that reason, with a heavy heart, and recognising the efforts of the Prime Minister, I am afraid to say that I cannot support the agreement and I shall be voting against it on Tuesday.

3.6 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD): I am grateful to you, Mr Speaker, for the opportunity to take part in this debate, which, as others have already observed, is likely to be one of the most important—or the most important—that we will ever know in our parliamentary lives.

In Orkney and Shetland, we voted to remain in the European Union in June 2016. In Orkney, the vote to remain was 63.2% and in Shetland it was 56.5%. I reflect, however, that it has not always been thus. In 1976, when very nearly the entire country voted to enter the European Economic Community as it then was, only Shetland and the Western Isles voted not to. In Shetland, the vote then was in the region of 56.3%. It is worth reflecting on what has happened in the succeeding 40-odd years that has brought about this change.

For communities such as ours, there have been some significant downsides to EU membership. The operation of the common fisheries policy has been one of the most obvious—I will touch on that later on—but there have been other aspects. The operation of state aid rules has often left me perplexed and baffled, but for communities such as ours—communities with small populations far from the centres of power and the larger centres of population—membership of the European Union has been a positive. It has given us opportunities to grow...
and to keep up in circumstances where we might otherwise have expected to fall behind. Opportunities have been given to us through the availability of structural funds, the guaranteed money that could come to communities such as ours to be invested in our roads, our piers and our airports. I suspect that if we were waiting for the Treasury, or even for Edinburgh, to fund those projects, we would still be waiting today. The existence of a guaranteed system of agricultural support payments has allowed our farmers and crofters to continue to farm the land and to keep the land in the way that we know and value. It worries me that beyond the guarantee of those farm payments up to 2022, there is still no clear indication of how this will work in the future.

Access to the single market has been good for us; it has allowed us to grow new industries in the past 40 years. Forty years ago, there simply was not the aquaculture industry of farmed salmon and mussels that we now know. That market was not available in the real-time basis on which my constituents can now sell into it. Our tourism has blossomed and grown in these years, and in more recent years that has seen a bigger reliance on the workforce coming from other parts of the European Union. An awful lot has changed in the world since 1976.

I was struck by the contribution of the right hon. Member for Mid Sussex (Sir Nicholas Soames), who is here as the grandson of a Prime Minister and the great-grandson of a Member of Parliament. No one in my family has ever served in this House before; we have all been hill farmers and crofters. I am here because I am part of a generation that had opportunities that were not given to my parents, just as my parents had opportunities that their parents had not been given. It grieves me beyond measure that I now risk handing on to my children a country and a world in which they will not have the opportunities that we have had.

Yes, we know about the slow and reluctant pace of reform, the bureaucracy and the over-centralisation. But although I often criticise the CFP, I would not have believed it possible that we would find a worse system than we will have when we leave the European Union in March next year, when we will leave our fishermen and our fishing fleet bound by its rules without having any say in how they are made. That surely has to be the worst of all possible worlds, and it is a bitter regret to me that the right hon. Member for Haltemprice and Howden (Mr Davis) would not take my intervention, because he owes my fishermen an explanation why he thought that was a necessary step to take.

We are a divided country; that is beyond measure. Those who resist the idea of putting this deal to a vote of the people seem to think that somehow we are not. The only possible way that we can hope to heal these divisions is by putting this matter to a vote of the people.

3.11 pm

Antoinette Sandbach (Eddisbury) (Con): It is a pleasure to follow the right hon. Member for Orkney and Shetland (Mr Carmichael), who was right to speak about the opportunities that generations in this country have had, provided in part by freedom of movement and the ability to travel and work in countries across Europe.

We are being asked to consider one of the most important decisions in our post-war history, and there are no good choices. At the time of the referendum, I voted to remain as I took, and still hold, the view that we could not get a better deal than the one we already had with the EU. However, we held the referendum and I made a pledge to implement the result, and to do so responsibly. That is why I voted for article 50 and the EU withdrawal Act, despite my misgivings. This is not a perfect deal, but it does deliver the referendum result. I therefore feel honour-bound to vote for it, as I believe that it delivers that result in a responsible way.

This deal delivers in a number of areas. It gives the UK tariff-free, quota-free access to EU markets, while ensuring that we are out of free movement and have control of our agriculture and fisheries. More importantly, it keeps us out of ever-closer union. Does this deal live up to the promises made in the referendum? No—nothing could. We were promised that Brexit would be easy, that we would have the exact same benefits outside the EU as before and that we held all the cards in the upcoming negotiations. Those who promised sunlit uplands now criticise a deal that requires compromise. To choose WTO terms over this deal, about which I do have some concerns, would be an act of the utmost irresponsibility, for which the British public would rightly punish us.

For the past two years, I have been a member of the Business, Energy and Industrial Strategy Committee. Over many weeks and months, I have heard evidence about the impact of Brexit. Like everyone, I am certainly better informed now than I was in 2016, and an email from one of my constituents—I will call him Mr D—reflects much of the evidence that I have heard. He said that since the vote to leave, “our business has endured significant hardship. Not all of this can be directly attributed to Brexit but the deterioration in sterling has impacted costs and economic uncertainty has made long term investment decisions next to impossible... The forthcoming vote in parliament provides our country with an opportunity to bring about a little more certainty and stability.”

He claimed that while those who think the Prime Minister’s proposal is not ideal may be right, “as the person most heavily involved in the negotiation—a negotiation that leading Brexiteers ran away from after the vote—she is well placed to judge whether it is the best we can get. Certainly EU leaders are unanimous in that view.”

He goes on to say that whatever deal is put in front of Parliament, one faction or another will be dissatisfied and that the notion that we can leave a club and no longer pay its subscriptions, yet pick and choose which services to continue to enjoy is frankly delusional. We are not in a position to select from a menu of membership benefits to suit our needs—we are leaving.

Mr D continues:

“When people find that the prices of goods and services rise sharply, and when they find that food starts to run short—I work in the grocery supply chain—and when they find that they are losing their jobs, they will judge you, and I doubt they will forgive you.”

That reflects the evidence I have heard from countless businesses that have come before the Business, Energy and Industrial Strategy Committee. Those businesses provide jobs and employment to my constituents, and they speak with one voice when they ask us to vote for this deal. My right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) spoke about the need to
come together, compromise and work towards an outcome that delivers for our country. It may not be perfect, but it is a good deal.

3.16 pm

\textbf{Janet Daby} (Lewisham East) (Lab): I stand today to discuss the economic aspects of this deal, but the fact is that too much is still uncertain. We know, however, that the Government’s own economic analysis illustrates that the deal will make our country poorer, and with GDP falling by around 3.9%—£100 billion in real terms—every region of the UK will be worse off. I note with enormous disappointment that the Prime Minister has dropped achieving frictionless trade as a priority, and it seems there will be barriers to trading goods. For the service sector, the political declaration states that market access will be limited, and in areas such as financial services, it offers no firm mechanism to protect the industry.

Like many in this Chamber, I was devastated when I realised that more areas had voted to leave the EU, but it soon became apparent that no one really knew what it meant and how it would affect all regions and nations of the UK. In that respect, the referendum lacked clarity as the precise effects of leaving have only recently become clear.

There is much speculation about why our nation voted the way it did and what that meant, and like my hon. Friend the Member for Sheffield South East (Mr Betts), I think that we must consider why people voted in such a way. Lost in the division and debate of the past two years is any analysis of why people voted the way they did and why it varied and was so different in many parts of our country. It is clear, however, that poverty and an ongoing lack of opportunity played a part.

A report by the Joseph Rowntree Foundation revealed that poverty levels are high and affect 14 million people, including 4.1 million children—a shocking statistic. The recession and long and hard-hitting austerity have seen many people made redundant. People have been forced to take on zero-hours contracts, and some may have two or three jobs but still live in poverty. Food and fuel prices have risen, and wages have fallen behind the standard cost of living. There has been a sharp spike in private rental accommodation, in which people often live in unbearable conditions. Property in certain parts of the country has become unattainable, and social housing waiting lists are forever growing longer. People, especially in London, are being placed in B&Bs and temporary accommodation, often too far away when it comes to taking their children to school, going to their place of work or caring for their loved ones.

There has been an increase in the threat of terrorism and the prison population, and the ability to attain higher education has moved further away from some people and their families. The rise in food bank provision makes people feel like they have failed in life, when really it is the Government who need to be held to account.

The leave campaign focused on a contentious message of blame culture: “Let’s blame others—immigrants.” They used them as a scapegoat when the nation’s sense of dissatisfaction should have lain at the Government’s doorstep. It is successive Governments who are failing to create jobs, to correct the benefits system, to provide education bursaries, to regulate rents in the private sector and to build more social homes. They are failing to root out racism and discrimination in our society, to promote gender equality by giving pensions to WASPI women, to invest more in education, including higher education, and to invest in our public services.

Many of my constituents are proud to be called Europeans: 70% in the borough of Lewisham voted to remain. A deal is an agreement, but this deal has not been ratified by our country. What is the only way to regain a mandate on a clear way forward? I have faith in Members of this House, but the gravity of this decision is too much for us alone.

If the Prime Minister is confident with her proposed negotiations, she should be confident enough to bring them before the electorate. In the circumstances, it is only right that the people are given some say over what happens next.

This is not about frustrating Brexit; it is about allowing people to make an informed decision across the country about a known quantity. Before the Prime Minister sets her Brexit boat sailing, she needs to consider the weather and the course of the journey. It will be too late to turn back if the weather gets tough. I could not vote for anything that will make our country poorer.

3.21 pm

\textbf{Sir Christopher Chope} (Christchurch) (Con): It is a pleasure to follow the hon. Member for Lewisham East (Janet Daby). From my experience as a divorce lawyer before I came to this House, I can say that no divorce ever results in parties being better off financially immediately afterwards. That is the reality of the situation we are going to be in as we divorce ourselves from the European Union.

There has been a compelling analysis during this debate from my right hon. Friend the Members for Halmepreace and Howden (Mr Davis) and for Clwyd West (Mr Jones). I wish to associate myself with that analysis. During the past two years, it has been a privilege to serve on the Select Committee on Exiting the European Union. As you will know, Mr Speaker, that is one of the largest Select Committees and contains representatives of five different parties in this House. I can say that the membership of that Committee is overwhelmingly against this deal.

The feeling also applies in my constituency, where the deal is anathema. Tom Blyth, who runs the Christchurch Conservative political forum, has succinctly described the problem. He says that his membership is dispirited by the “Government’s deceitful, cowardly, supine capitulation to EU bullying in a senseless obsessive pursuit of a Withdrawal Agreement that betrays the Nation”.

That is the message from my constituency and my Conservative association membership, in case anybody was in any doubt about that.

In preparing for the deal, the EU has clearly taken inspiration from the plant kingdom. In its negotiating strategy, it has looked to the Venus flytrap, which uses nectar to get its victims inside, from where they cannot get out. That is exactly the model that the EU has drawn up for us in the Northern Ireland protocol. My right hon. and learned Friend the Member for North
East Hertfordshire (Sir Oliver Heald), was interpreting the Attorney General's statement as suggesting that there might be a way out of that protocol, but that is not what is said in the actual text of the Government's legal advice, which we have now seen. So let us not be seduced into thinking that somehow the EU is on our side and will eventually let us out of this protocol. The EU will let us out of the backstop only if we agree to further demands that it places on us.

On page 36 of the 2017 Conservative party manifesto, it says: “We believe it is necessary to agree the terms of our future partnership alongside our withdrawal, reaching agreement on both within the two years allowed by Article 50.”

Obviously, that has not happened. Why have we reneged on that promise, given that not doing so would have ensured that we would not be parting with £39 billion of taxpayers’ money without a guarantee of a good future trading relationship? As the EU is desperate for our money, why has the United Kingdom unilaterally thrown away its strongest negotiating card and, in so doing, also gone back on the Prime Minister’s oft-repeated promise that nothing is agreed until everything is agreed?

The Government are now intent on also throwing away our second-best negotiating card—that no deal is better than a bad deal. The 2017 Conservative party manifesto asserted: “we continue to believe that no deal is better than a bad deal for the UK.”

The Prime Minister set out in her Lancaster House speech the reasons why she believed that and the benefits that would come from having a no-deal solution. It is extraordinary that she now seems to have reneged on what she was saying then—that no deal would deliver us the opportunity to trade globally and enable us to attract overseas investment into our country. Why has she gone back on all those agreements and left us in a situation now where we have no option but to vote against this withdrawal agreement?

3.26 pm

John McNally (Falkirk) (SNP): I would like to focus my comments on the practicalities of transporting and storing products and goods.

No one could disagree that the more we have learned about Brexit in the past couple of years, the more complicated leaving the EU has become. Falkirk voted remain. The real issues that will impact on my communities remain. The real issues that will impact on my communities have become self-evident. This country is clearly unprepared to leave the EU, whether one was a remainer or a leaver.

In other words, fail to prepare; prepare to fail. The Government are responsible for this confusion and uncertainty, and no one else: not the EU; not even the Government or the people who voted to leave. I do not believe that the Government or the people who voted to leave were fully informed or aware of what we were all letting ourselves in for. But the impact, as usual, will end up with the poorest in society, once again paying for the mistakes of the wealthiest in society.

I have had correspondence from many businesses in Falkirk, Scotland and the UK, particularly from a business that supplies food to millions across the UK. It has highlighted an absolutely critical issue—that the cold storage facilities it uses for its products are at capacity and there is no space left. The products in that cold storage system will certainly include perishable goods such as those of, as we heard earlier, the highly successful Scottish shellfish industry, which supplies all the major capitals of Europe with the highest-quality langoustines, mussels and so on, as well as the soft fruit industry, which is being hit from all sides. What will happen if these goods do not make it to market? The producers simply will not get paid. They will have to pay for the discards—and no doubt, in turn, their insurance premiums will absolutely rocket.

These storage facilities are used for goods and products in many other industries, such as the pharmaceutical industry. In business questions this morning, my hon. Friend the Member for Central Ayrshire (Dr Whitford) expressed her concerns about vaccines. There will also be the storing of chemicals. The just-in-time trading system using these cold storage facilities will indeed run out of time. The system is creaking at the moment, and it simply will not be able to cope with the strains demanded of it. That concern of my local business in Falkirk is echoed across the UK.

There have been so many unfounded assumptions—for example, about how this Government would tell the EU the UK’s terms of business. That assumption has sailed down the Fort. The chemical industry, which is one of the UK’s biggest industries, has legitimate concerns. It has huge responsibilities and safety issues. Some examples of the difficulties faced by the chemical industry were given to the Environmental Audit Committee, on which I serve. We received evidence from a variety of stakeholders for our inquiry, and one of the principal conclusions about the impact of leaving the EU was that it would be difficult to transpose into UK law the chemicals regulation framework established by the EU through REACH. Companies face significant uncertainty over the validity of current REACH registrations after the UK leaves the EU. The Chemical Industries Association and the Chemical Business Association indicate that a sizeable proportion of their members are already considering moving or have moved out of the country.

For the coatings and paint industry—a just-in-time industry—any border delays make industry less competitive. Delivery to a car plant inecs a penalty of £800 per hour if the line stops, but of course the biggest penalty is that business will simply go elsewhere.

In September, the National Audit Office reported that the Department for Environment, Food and Rural Affairs was still to present its business case for the UK’s new chemical regulation regime to the Treasury because it did not have detailed cost estimates. How on earth can DEFRA have a database comparable to the European Chemicals Agency’s on day one of Brexit?

How prepared are the businesses running the UK’s utilities? Some ports have not gained the authorised economic operator accreditation, which is recognised by all international trade authorities, including the EU. Forth Ports in Scotland, which owns Tilbury docks, has that accreditation, but I believe that other major ports do not. It took years to make REACH the recognised gold standard worldwide in the chemical industry. That will be broken. We could put Humpty Dumpty back together again easier than this mess of a so-called plan.

For too long, Scotland has been overlooked in these discussions by the Prime Minister and the Government. It is almost as if they think that ignoring Scotland will make it go away. Scotland will not be ignored, but I certainly hope we are going away.
“EU conduct in breach of such an obligation and indefinitely prolonging the application of the Protocol could thus amount to a material breach of the Withdrawal Agreement and the Protocol. Faced with this situation, the UK would be entitled to invoke this material breach as a ground for the suspension or termination of the Withdrawal Agreement and the Protocol.”

So there is a legal way out, and the legal way out is if the EU does not negotiate with best intent. I am confident that it will, because this is as bad for the EU as it is for us, though, frankly, it is not good for anyone.

I will end simply with a word about the referendum. It was legitimate. It did not go my way, but democracies do not always reflect the way we choose. When we get through this period, the next few years of this country’s history will be truly glorious. We are on the cusp of massive investment. We have companies sitting on cash and ready to throw it into the economy. We have a huge opportunity before us, and I look forward to our grasping it.

3.36 pm

Marsha De Cordova (Battersea) (Lab): As someone who passionately campaigned for and voted to remain in the 2016 referendum, I have watched for two years with growing alarm at the Government’s shambolic, reckless and irresponsible approach to the Brexit negotiations. In those two years, we have seen the leave campaign promises denied. We have seen dozens of Ministers quit and two Brexit Secretaries come and go. We have seen a Government who have spent more time negotiating with themselves than they have with the European Union. We have seen them avoid scrutiny, evade transparency and duck responsibility, and just this week we have seen how the Government have treated Parliament with contempt. No one can deny that this Government’s handling of Brexit has been a mess, with a miserable, failed deal from a miserable, failing Government.

I have received literally thousands of emails, postcards, letters and surgery visits from constituents in Battersea who share this view. They are fearful that this Government are asking Parliament to vote for a withdrawal agreement and political declaration that will not protect jobs, rights or the economy. They are alarmed that the Government are asking this House to vote for a deal that their own analysis shows will make us poorer, with GDP falling by 3.9% and every region being made worse off. For our economy, it is clearly a bad deal, and a worse deal than what we already have.

My constituents know that the Government are asking us to vote for a political declaration, supposedly the product of a two-year negotiation, that offers empty promises and lacks legal standing. However, where the political declaration is clear, my constituents know that it will not work in their interests. The aim of frictionless trade has been abandoned, which will hurt our manufacturing industry. It fails to protect workers’ rights or environmental protections, and instead opens the door to the UK lagging behind as EU rights and standards develop. My constituents are concerned that it will allow a future Conservative Government to strip away hard-won EU rights and protections, such as Tupe, equal rights for agency workers and paid holidays.

Along with the rest of the constituency, the 12,000 EU citizens living in Battersea are concerned that we are being asked to vote for a withdrawal agreement that

Tom Tugendhat (Tonbridge and Malling) (Con): I am grateful for the opportunity to speak in this important debate. I pay tribute to the hon. Member for Falkirk (John Mc Nally) for his dulcet tones and helping us get through the afternoon.

We find ourselves here because of a series of events. We must remember that the day after the referendum, the campaigns disappeared. When we got to the leadership competition, many of the competitors disappeared. When we got to the election, sadly many of our seats disappeared, and we found ourselves without a majority. Despite that, we have a Prime Minister who, thank God, has shown fortitude, devotion and duty, when so many others have, sadly, disappeared.

I have plenty of criticism to make of the way these negotiations have been conducted, and I am sure I am not alone in doing so. I think we started the wrong way round. Rather than negotiating our way down, as it were, from our existing membership, we should have admitted the truth, which is that we have left the European Union—we left when the votes came in—and we should be negotiating our way up towards the relationship we want to see in the long term. Sadly, that is not what happened.

We find ourselves now looking towards a transition. After 45 years’ membership—about the same time that Elizabeth I was on the throne or the German empire existed—it is hardly surprising that the transition to a new relationship is important. We must use this opportunity to focus on not only what the interim stage looks like, but what the future looks like. That is why I would welcome much more effort going into the future agreement. It is true that the political declaration sets out some aspects of interest, and the backstop supposedly is used as a building block, but we need to see much more than either of those.

So what are we looking at today? We are looking at a stage. We are looking at—a let us be frank—the only deal on the table. We are looking at a temporary, imperfect compromise, and an uncomfortable one at that—one that, were we to ever enter the backstop, splits the four freedoms of goods, capital, services and people.

The option we have is pretty simple. It is threefold: either we agree with this compromise; or we push for a second referendum, which I think is a terrible idea, as it will simply lead to more uncertainty and more indecision; or we walk away. As I represent a community—I am blessed to represent one of the most beautiful communities in the country—that, sadly, is surrounded by motorways entirely reliant on the port of Dover, there is a danger for us that those motorways will become parking lots, as many hon. Members will have heard me say when I raised this with the Transport Secretary. I am afraid that I cannot go for the referendum and I cannot go for walking away, so I am left really with only one choice. I do not say this with any joy. However, it is not our role to shirk responsibility or to avoid decisions; it is our role to take them. When I have excluded the impossible, I am left with only one—and that I have to say with a very heavy heart.

The backstop is not, however, as final as many have said, and here I quote from Policy Exchange’s work by Professor Verdirame, Sir Stephen Laws and Professor Ekins, about what the best endeavours obligation in the withdrawal agreement puts on the EU. They say:
still leaves open important questions about citizens’ rights, particularly on the evidence required for residency rights to be guaranteed. That is particularly troubling when we are being asked to vote without the promised publication of the immigration White Paper, and when the Government have such a shameful record of protecting citizens’ rights, as demonstrated by the Windrush scandal. I know that small businesses in Battersea are deeply concerned. The Government’s shambolic negotiations have already caused damaging uncertainty. This deal, which leaves so many questions unresolved, only adds to it.

Disabled people, too, will be forced to bear the brunt of the Conservative’s botched Brexit. It will be another attack on our rights by the Government, a Government already found guilty of “grave and systematic” violations of disabled people’s rights according to the UN. The EU charter for fundamental rights, which includes protections against discrimination, was excluded from the European Union (Withdrawal) Act 2018. We will lose the potential of the proposed European accessibility Act, which contains EU directives that have not been transposed into UK law. That means requirements on the accessibility of goods and services for disabled people will not be guaranteed. We will lose the European social fund, which is currently investing £4.3 billion across the UK until 2020. Whether that funding will be matched is still not guaranteed.

Simon Hoare: Will the hon. Lady give way?

Marsha De Cordova: No.

Across all these areas, from workers’ rights to environmental standards, economic growth to disabled people’s rights, the Government’s deal will make the great majority of us worse off. That is the grave danger of their botched deal. This is not what the country voted for in 2016. It is certainly not what Battersea voted for and it offers no hope of bringing the country together. Members from across the House know this, so the Government should stop this charade. Their time is up. They are in office, but not in power. The people of Battersea need a Government who work for them. They need their rights to be protected; they need investment in the community; and business needs certainty. We need to put this Brexit shambles behind us and that is why I will be voting against the deal.

3.42 pm

Johnny Mercer (Plymouth, Moor View) (Con): I rise to speak on Brexit for the first time ever in this House. I have never spoken about Brexit before. I have avoided the subject like the plague. It has brought out, I am afraid to say, a side in a lot of my friends and colleagues, who I love dearly, that I have not particularly enjoyed. I am forced to have a view today and I will be honest.

I have always been ambivalent about our exit from or membership of the European Union. I know that frustrates others. I respect those who hold passionate views on both sides of the argument, but for me is has always been an issue—it is not the issue of a modern Conservative party. This situation we are now in represents a total failure of the political class in this country. I completely understand the views and regret of many Members in this House, but we have to see it for the opportunity it is. Not to do so would be not to understand the referendum result. That result shook this country to its core. I voted to remain, but I liked that; I came here because I could not watch my country have her politics dominated by a political class out of touch with the nation they were voted for. I liked the shockwave that was sent through the establishment, but more than that I was hoping for change.

This deal indicates what I have long feared: that too many in government have failed to grasp why people voted to leave the European Union in the first place and the opportunities for a brighter future that that vote represented. Was it about Europe? Of course it was. But it was about so much more than that. The vote to leave was in no small part a cri de coeur from millions of people who feel that the powers that be in Westminster no longer know, let alone care, what it feels like to walk in their shoes. Poorer and less-well educated voters were more likely to back leave. The majority of those not in work backed leave. Those living in council housing and social housing tenants mostly backed leave. Those dependent on a state pension largely backed leave. At every level, there was a direct correlation between household income and the likelihood to vote for leaving the EU. That is what makes what happens now, even more important. The referendum result was a nation throwing a leash back around its Government. What people wanted was a Government who said what they meant and meant what they said. Yes, it was about taking back control—but it was about the country taking back control of its Government.

That, right there, is my issue with the deal. I know courage and resolve when I see it and on Tuesday evening, when the Prime Minister rose to open this debate after losing three votes on the bounce, she demonstrated why she personally still holds the affections of many of us here. But what followed, and, in fact, what preceded her in the motion that was passed, showed me that in some ways, we still do not get it. The establishment is too loud, too boorish and too condescending, and it really worries me. To force this deal through—crossing our own red lines and our manifesto that we stood on, but particularly critically for me, threatening the Union of this United Kingdom—even would speak to a democratic deficit that I have always spoken about, and if I am to retain my integrity, I must now oppose.

This country is in troubling times. The divisions, hatred, unreasonableness and the fundamentally un-British unpleasantness of man to fellow man have to end. If I thought that this deal was going to do that, I would be the first through the Lobby. I want nothing more than simply to be part of an extraordinary team on the Government side achieving extraordinary things and making a modern, compassionate Conservative party that is fit to meet the challenges of a modern Britain, but this is not it. Un fortunately, this deal is not it. The British people know that and we must now be very careful.

I say to the Prime Minister that we must try again. I do not want no deal, and I believe that a second referendum—although I respect those who hold such views—would open up divisions in this country that frankly, I and a lot of people in this country are sick of. However, I cannot accept an agreement that makes the UK a junior partner in an international relationship that it cannot unilaterally leave, because that misses the point of why people voted for Brexit in the first place.
We can do this. I travel thousands of miles up and down this country, and there is a huge conservative heart out there in this nation looking to be represented by a modern Conservative party here at Westminster. We get there by remembering our values and why people vote for us—it is because they feel like they have control. The backstop is not that. We believe in the fundamental goodness of this nation. This is a seminal moment and we must be extremely careful to get it right.

3.46 pm

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op):
The city of Liverpool has been hit hard by austerity since 2010, with massive cuts in central Government funding hitting Liverpool City Council and its services and hitting the police service and the fire service, while benefit changes have hit the poorest hardest. Liverpool has also benefited enormously from membership of the European Union. Merseyside had objective 1 status, which helped to bring significant investment to our communities. It is an outward-looking city, reflected in the heavy vote across the city two years ago to remain in the European Union—58% to 42%.

However, the divisions that we have discussed today nationally were reflected locally. My constituency saw a much narrower vote—the vote was not conducted by constituency, but my estimate is that it was probably about 52% remain and 48% leave. As we have heard rightly from both sides in this debate, some of the communities that have been hit hardest by poverty and austerity are those that had the highest leave votes. That was certainly the case in my constituency and that reflected many concerns—some about immigration and others about a sense of being left behind.

Those divisions clearly continue. They are reflected in my inbox, as I am sure they are in those of other Members. I have had constituents urging me in the last three weeks to vote for no deal because that would be better than this deal. Some want a people’s vote. Some people are coming to see me to support the deal, but a very clear majority view from my constituents is that we should reject this deal because it is bad for jobs, bad for rights and bad for living standards.

I voted remain and I campaigned hard for remain in my constituency, elsewhere in Liverpool, and in other parts of the north-west, but I accepted the result despite my great personal sense of disappointment. I voted in favour of triggering article 50 and I really wanted to see a serious negotiation to deliver on the referendum. I agree very strongly with my right hon. Friend the Member for Leeds Central.

After that vote, we shall have an historic responsibility and opportunity to forge a new way forward. I have signed both amendment (a), in the name of the Leader of the Opposition, and amendment (i), in the name of my right hon. Friend the Member for Leeds Central. Taken together, they could provide the basis for a way forward: rejecting the disastrous option of no deal, seeking instead a permanent customs union and a strong single market deal, and resolving to pursue every option to prevent no deal from happening.

It seems to me that there are two potential ways forward after the vote next Tuesday. Either we come together in the House, across party divides, and agree a position that can protect jobs, protect the rights of workers and standards in the environment and for consumers, and protect living standards. I believe we could achieve that with the good will of Government and Parliament working together. Otherwise, there will be no alternative but for us to take this back to the people, either in the form of an early general election or in the form of another referendum—a people’s vote.

The economic consequences of leaving without a deal could be disastrous. As others have said, they would hit the poorest areas hardest. I look at those areas of Liverpool’s economy, such as the car industry, health and life sciences, universities and the port. Those are the industries that would suffer most if we left without a deal, and regions such as the north-west would be hit hardest by a no-deal Brexit. Yes, this deal is not the right deal, but let us come together and deliver the deal that really can protect jobs and rights across our country.

3.51 pm

Bill Wiggin (North Herefordshire) (Con): It is a pleasure to follow the hon. Member for Liverpool, West Derby (Stephen Twigg), and, of course, my hon. Friend the Member for Plymouth, Moor View (Johnny Mercer).

Let me first commend the Prime Minister’s determination, fortitude and persistence in her negotiations with the European Union and in her repeated statements to the House. I, like many, want to conclude Brexit as swiftly as possible and to fulfil the result of the 2016 referendum, but the withdrawal agreement contains enormous problems. The Northern Ireland protocol provides for an extension of the customs union that would keep the United Kingdom in the customs union and some aspects of the single market. The Attorney General confirmed to the House, both in his statement and in his published legal opinion, that the backstop had no unilateral exit mechanism: leaving the backstop and the customs union could be more difficult than leaving the European Union. The people who voted for Brexit voted for independence, and the backstop prevents us from fully leaving the EU. The current withdrawal agreement therefore does not respect the will of the people to leave the EU.

If the Government are unwilling or unable to secure a better deal, the default position is trading on World Trade Organisation terms—no deal, or a clean global Brexit, as it should be known. People who say that that would be a disaster—the consensus on the Opposition Benches is that it might be—are, generally speaking, people with whom I disagree, usually because they are wrong. Our exports to countries with which we trade on WTO terms have grown three times faster than our trade with EU countries since the 1990s. We currently...
run a surplus on our trade with our biggest national export market, the United States. By contrast, we run a deficit on our trade with European single market partners. Anyone who is afraid of the WTO should simply look around their home and note the sheer volume of items made in China, America and the rest of the world in order to conclude that the WTO is not quite the demon that Opposition Members make it out to be.

On Tuesday, the Grieve amendment looked, at first, like it had put power back into the hands of the House of Commons. Although many of my colleagues and constituents tell me that anything for which the House votes will not be legally binding, we have seen this week that the Government cannot ignore Parliament. The purpose of the amendment was to put at risk the clean global Brexit, given that it will not be supported by Parliament, so I worry that extensions to article 50, or a second referendum, could win the support of MPs who do not respect the result of the original people’s vote. They should use this debating opportunity to remind the public that they will not seek to undo the result of the referendum, in exactly the way my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) did earlier.

Voting for the deal itself represents a threat to Brexit, but it also represents a threat to the Government. Ironically, DUP Members, who will support the Government in a confidence vote if the deal is lost, would be closest to the hard border that the backstop seeks to prevent. Surely they must have their views respected above all else.

For our £39 billion, we deserve a proper arrangement with the EU that is mutually beneficial, as well as good value for our taxpayers. I fear that this deal does not open the door to positive trade negotiations. It hangs the threat of the backstop over the heads of our negotiators, which will force them to compromise and concede. Therefore, as it stands, I do not want to support the deal, but I hope that the Prime Minister will take our concerns on board and will act. I hope that she will return to this House with a deal that I and my colleagues can wholeheartedly support.

3.55 pm

Chris Ruane (Vale of Clwyd) (Lab): I wish to speak in this important economy day debate from a Welsh perspective. Wales has received £4.5 billion in structural funds from Europe between 2000 and 2018. I am particularly proud that in 2000 I was able to convince the then Wales Office Minister, Peter Hain, to allow my county of Denbighshire and the neighbouring county of Conwy in on that objective 1 European deal. Since that time, £4.5 billion from Europe and £4.5 billion from UK match funding has been spent in Wales. Thousands of jobs have been created.

In a practical sense, from my constituency’s point of view, that money was invested very wisely. It was invested in the OpTIC Technology Centre in St Asaph in my constituency, a £17 million research and incubation unit that has created hundreds of jobs. That European funding was involved in securing the flood defences and extending the harbour at Rhyl. Some £47 million has been given to Bangor University and £90 million to Swansea University.

The pre-Brexit promise to the people of Wales from extreme Brexiteers who visited Wales was, “Wales will not be a penny worse off if it votes to leave.” Some of the people in Wales believed that but, post Brexit, those guarantees have disappeared. I have spent the past 18 months since being re-elected to this place trying to chase down those guarantees, to no avail.

The optoelectronics sector in north Wales employs about 3,000 people and many of the contracts it has are for defence—they are for platforms; it supplies component parts to a tank or lorry, for example. We need that international trade. We need that European trade. We do not need the Brexit deal put forward for next Tuesday.

Airbus has said that it will “consider” reinvesting in its plant in north Wales because of what the Prime Minister has put forward. It will only consider doing that. There is no guarantee from it that it will invest in aerospace. Paul Everitt, head of ADS the air industry spokesperson, said that the deal proposed for next week “doesn’t take us back to business as usual.” Businesses are scared of what they have seen. They are more welcoming to the Prime Minister’s proposal, but I think that is only because that gives them two and a half years to escape, instead of the three months of a no-deal Brexit.

I also speak from a north Wales perspective on the issue of the sea lanes. We have heard about the 17-mile tailbacks that would affect Dover. Seven-mile tailbacks are predicted for Holyhead. We are already seeing sea lanes open from Cork to Santander and from Cork to Rotterdam. If we lose the sea lanes and lose that trade with Ireland, which is as big as the trade with Brazil, Russia and India combined—it is worth over £45 billion—that will be a problem. We need to preserve this trade.

The predictions that have been made, even by the Chancellor, suggest that the Brexit proposal before us will lead to a 3.9% decrease in our economy. He calls that “slightly smaller.” For me it is huge. There have been predictions that £800 billion-worth of trade will transfer from the City of London to Frankfurt. When these economic facts are put before us, we hear the Brexiteers crying that this is hysteria or “Project Fear 2”, but what are those rich Brexiteers doing? They are salting their money away in Monaco, Dublin and Singapore. Who will pay the true price of a bad Brexit? It will be the poor, just as they have paid the price for austerity. We are in this situation. I feel sorry for the Prime Minister, but she is the author of her own downfall. She put in place extreme Brexiteers. She put the Fox in charge of the henhouse and others, too. In the past two and a half years, they have brought misery, division and disunity to this country. I for one will not be voting for this proposal next Tuesday.

Several hon. Members rose—

Mr Speaker: Order. My apologies to colleagues, but on account of the level of demand, the time limit has to be reduced with immediate effect to four minutes per speech. I call Mr Nigel Huddleston.

4.1 pm

Nigel Huddleston (Mid Worcestershire) (Con): Thank you, Mr Speaker. Given that I gave my maiden speech in that length of time, I hope that I will be able to do the same today.

It is the responsibility of all of us in this House to deal with the world as it is, rather than as we would like it to be. We also need to recognise that the clock is ticking on this issue. We all have our own lovely ideas
about a world of unicorns and rainbows, but we have to deal with the practical reality, and we have to take this seriously. Today’s debate is on the economy and business, and with that in mind I had a meeting last night with the CEOs of many organisations that employ tens if not hundreds of thousands of people in the UK. Their message was crystal clear: we must accept this deal because it provides certainty and the alternatives are too horrendous for them to imagine. They said that they were prepared for a no-deal scenario, but that their supply chains were not, which concerned them.

The message that this deal is not perfect but that it is one that we can accept is being repeated in my constituency. I have now talked to businesses that employ more than 10,000 people there. That message is coming from representatives of manufacturing industry in Droitwich and the food packaging industry in the Vale of Evesham. Again, the overwhelming opinion is that this deal is not great, but that we should accept it and move on.

At the end of the day, this deal was always going to be a compromise. It was never going to be anything else. Anyone who promised people that they would get 100% of what they wanted was, frankly, deceiving them. Any politician who believes that they are going to get 100% of what they want is in the wrong job. We have to be honest with the public. We must not let the perfect be the enemy of the good. As my hon. Friend the Member for Gordon (Colin Clark) said yesterday, we cannot go into a game with the tactics of expecting to win 7-0, because when we do that, we often find ourselves losing 3-4. That is the reality of where we are.

This deal delivers on the vast majority of things that my constituents said they wanted. We are leaving the EU, the customs union, the single market, the common agricultural policy and the common fisheries policy. We are also ending freedom of movement. It is not perfect, however. The backstop is a major concern for many people, which I understand. It is also a concern for me. However, I am not as concerned about it as others are, because I do not believe that we will ever need to implement it. We will work together with our EU colleagues, because it is in our mutual interests to ensure that that does not happen. By definition, a backstop has to be mutually uncomfortable, and it is. If we did not have this backstop, we would have another one.

There is now a dividing line in this House between two camps. One contains those who believe that by voting down this deal we will end up with something better, whatever that might be—a second referendum, a general election or a renegotiation of the deal. The other camp contains those, including myself, who believe that, if we vote down this deal, worse things will happen. I believe the worst thing that could happen is defaulting to WTO rules under a no-deal scenario.

I do not believe for one minute that leaving the European Union will take us to some kind of tropical paradise, but nor do I believe that it will lead us to an icy wasteland. The UK economy is incredibly resilient, as we have seen over the past two years. We can cope with a lot of the things that are thrown our way, but why should we make it more difficult? We are now faced with the certainty and clarity of a deal. Business wants us to accept that deal. Not everyone in my constituency is happy with it, but most people are saying, “Just accept it. Let’s get on with it and move forward.” I am with them on that, because the one thing I cannot and will not do is risk jobs in my constituency in the hope that something better might come along at some point. I take incredibly seriously my responsibility as an MP to ensure that my constituents are employed in safe and secure jobs, and that is why I will be voting for this deal on Tuesday.

4.4 pm

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): I represent a Black country constituency that is heavily dependent on manufacturing companies, the business models of which are deeply integrated with Europe. It is also a constituency that voted overwhelmingly for Brexit and, out of respect and having voted for the referendum, I felt that I had to follow the logic in that decision through.

I voted for the triggering of article 50 to be consistent with the referendum result, but I also voted for it because I felt that it was only when we entered into detailed negotiations with the EU that we would actually get some idea of the difficulties of realising the promises that we were so easily, and often falsely, made to our electors during the referendum period. Far from having countries queuing up to do deals with us, and far from having the EU desperate to do a deal with us because of our relative economic influence, the Government have run up against as yet unresolved difficulties. We must recognise that the so-called transitional period is in fact a recognition of our failure to come up with a deal that actually conforms to the needs of our vital manufacturing industry and, of course, addresses the issues around the Northern Ireland border.

It is important to test the proposals against the requirements of manufacturing businesses. To be quite clear, companies have come to me to say that they are desperate that we accept the deal, not because it is better than the status quo, but because they are so frightened of the cliff-edge, no-deal scenario that they see looming ahead. I therefore want a commitment that, whatever else happens, there will not be a no-deal outcome. However, businesses also acknowledge that this proposal is not a deal as such. It is little more than a wish list wrapped up with warm words and good intentions. The fact that there even is a backstop proposal is tacit recognition in itself that the warm words, whatever they say, may not be realised.

If we get into the backstop, we will be in a position that in many ways replicates elements of a no-deal scenario. The Attorney General acknowledges in his legal advice that the backstop could lead to friction at borders between mainland UK and the EU and with mainland UK and Northern Ireland, which is a totally unsatisfactory and potentially dangerous position for our manufacturing industry. At the end of the day, I cannot see any resolution of the issues around the borders between Northern Ireland and Eire, the UK and Northern Ireland, and the UK and the rest of Europe that does not involve a convergence of regulation, the membership of a customs union and a trading bloc. I will not back a deal until that situation is on the table.

4.8 pm

Mr William Wragg (Hazel Grove) (Con): At the end of this debate, the House will vote in the most significant Division since 28 October 1971, when Edward Heath
secured a majority of 112 to approve the White Paper that contained within it the terms of our accession in principle to the then European Economic Community. That evening, Mr Heath returned to Downing Street and so moved was he that he sat at his piano as a means to compose himself. I can only hope that my brief remarks this afternoon will be as well tempered as the music that calmed the late Prime Minister.

I say that because, too often, this debate and all those who have concerned themselves with our departure from the European Union have been unfortunately characterised by frayed tempers. Characters and motivations have been impugned, and mistrust has been sown abundantly. This is a great shame, and I entirely agree that now is the time to heal such divisions.

As the noble Lord Hennessy said when giving evidence to the Procedure Committee, the question of the European Union “makes the political weather and drives otherwise calm people to distraction.”

I admit to having been driven, at times, to such distraction.

Although it is easy to talk, in general terms, of reconciliation, I take this opportunity to apologise to anybody, including Members of this House, with whom I may have exchanged cross words, whose integrity I have doubted or with whom I have simply let the subject of the European Union impair my judgment.

The tone of the debate is important. Although it is understandable that momentous decisions stir passions, often it is not only what we say but how we say it that matters. Just like during the referendum, it pains me to see my right hon. and hon. Friends perhaps lose sight of the fact that, whatever happens next Tuesday, we must come back together.

A good number of my constituents have wondered why I have not publicly declared my position on the withdrawal agreement and the political declaration. Indeed, a number of my colleagues have expressed surprise that they have not heard a word on the matter. [Hos: Minister: “Leadership!”] Not quite; I know my limits. Given my consistent view on the virtue of leaving the European Union, I will reassure, or perhaps disappoint, my colleagues. My view has not changed in the slightest. However, as I said at the outset of my speech, this is the most important matter to be considered for more than a generation, and it therefore warrants the utmost consideration, care and appreciation of the arguments.

There is much that is practical and to be commended in the withdrawal agreement and the declaration, and I pay tribute to my right hon. Friend the Prime Minister for her tenacity, yet this honourable intent is now against a backdrop of fear. I have determined that how I vote next week will not be because of fear; nor will it be based on a misplaced optimism. Instead, it will be rooted in consistency and fidelity to my sense of what the United Kingdom is. As such, the Northern Ireland protocol contained in the withdrawal agreement is unacceptable, and the arguments have been much rehearsed.

My right hon. Friend has her own reservations about it, and she must take from this, the will of the House, the strength and the instruction to change it.

Leaving the European Union is not a matter of left or right, Labour or Conservative; it is about a sovereign United Kingdom having the confidence to govern itself. It is as simple and—dare I say it?—as noble and beautiful as that.
was when they considered the Conservative party’s manifesto in June 2017 and took away the Conservatives’ majority. There is no easy way out of the situation we are now in. I will always welcome an early general election, but while Parliament is in deadlock, with seemingly no majority for any option, it seems to me that the only democratic option left is to have a people’s vote. This deal is not a good deal for my constituents and I could never support it.

4.17 pm

David Morris (Morecambe and Lunesdale) (Con): I have been sitting here all through this afternoon’s debate listening to colleagues on both sides of the House. I welcome the tone of this debate, which has been very mature and stable, especially early on when the shadow Chancellor was speaking. I do not see eye to eye with him at all times, but there was quite a lot we did see eye to eye on. We are working to find a way forward on this whole issue for the UK, and we have to set aside our differences. I have thought about this long and hard, and I am sure a lot of colleagues have done the same, but what are we looking at in reality? If we strip away the political ideology and get down to the business, we find there is very little in this deal we cannot agree with. Had this deal been put on the table at the time of the referendum result, we would have matched the Europeans’ hands off, but we are where we are now. Sadly, some Members from my party have mixed up this issue with—

Chris Ruane: Leadership bids.

David Morris: Leadership bids, as the hon. Gentleman said, but that has been and gone. In all honesty, what is going to happen on 29 March is that some people’s political careers in here that hinge on that day will be null and void, because that is all they have talked about for the past two years and, in some cases, for all their political lives. As has been said, we have to grasp this nettle and move forward. I think we heard the finest speech this House has heard for generations from my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames). I had hairs stand up on the back of my head. I want to say that because he is not just my friend; he is an inspiration. He inspired us all. When all is said and done, what does this actually mean? This is about the country. His grandfather led us through our darkest times, and because of his grandfather’s contribution we are still free and we are still working forward as a nation.

If we do not get—[Interruption.] It is nice to hear people giggling on the Opposition Back Benches. It is a pity they are not listening. If we move forward and get into a position where we can get our trade reinstated properly, in a free-flowing way, that would be welcomed by my constituents.

On hauliers, this is from the Department for Transport’s guidance on determining international road haulage permit allocations with the EU:

“There are a limited number of...permits available for UK hauliers. For 2019 there are 984 annual permits for Euro VI emission vehicles, 2,592 monthly permits for Euro VI emission vehicles, and 240 monthly permits for Euro V or VI emission vehicles. Annual permits cover all journeys made using the permit between 1 January and 31 December 2019.”

F. Edmondson & Sons is a haulage company in my constituency—Members should bear in mind that we have a port that relies on haulage—that wrote to me to say:

“We are a family owned and operated international road transport company, established in 1948, specialising in international furniture transport.

For over 40 years we have been delivering furniture made in the UK throughout Europe. If the proposed Brexit deal is not agreed and the movement of freight is compromised through restrictive border controls it is not just the haulage industry that will suffer”—

Mr Speaker: We are extremely grateful to the hon. Gentleman.

4.21 pm

Stephen Timms (East Ham) (Lab): I welcome the constructive tone set by the hon. Member for Morecambe and Lunesdale (David Morris).

I wish to pick up a telling point made by my right hon. Friend the Member for Hayes and Harlington (John McDonnell) when he opened the debate for the Opposition. It is the case that an inevitable consequence of trying to leave the European Union in a way that minimises the economic damage—that is what the Prime Minister has been trying to define—is that we will end up complying, across the board, with large quantities of rules over which we will no longer have any say at all. It is particularly ironic that that is the outcome of an initiative that was designed to take back control.

The situation is very well illustrated by the arrangements on data protection, about which I asked the Prime Minister in the House on Tuesday. We all know about the general data protection regulation. The Prime Minister made it clear, I think in her speech in Munich, that she wanted the UK Information Commissioner to keep her place on the European Data Protection Board—quite rightly—so that we can continue to influence, as we have done, the development of GDPR policy and the rules that we will certainly have to continue to apply so that data exchange between the UK and the EU can continue. That was the Prime Minister’s objective, but the agreement but does not provide for that continuing place on the board. Under the agreement, the UK Information Commissioner will lose her seat on the board at the end of March, when we are due to leave the EU, and we will lose our say and influence on rules that we are certainly going to have to continue to apply.

The problem is particularly clear in that case, but there will be a lot of examples of that kind right across the board. When I asked the Prime Minister about this issue on Tuesday, she made the point, correctly, that we will continue to have our place in global standards bodies. That is true, but on data protection, with the GDPR, on chemicals regulation and in a whole host of other areas, it is the EU that is setting the pace on global regulation. Under this agreement, we will lose the influence that we have been able to wield in the past through our influence over those EU rules.

It is absolutely right that balancing national autonomy on the one hand with prosperity on the other is the nub of this debate. The Prime Minister has tried to reconcile those two conflicting objectives. I readily acknowledge that she has worked very hard over nearly two years to bring that about. She recognises just how damaging
leaving the EU without a deal would be. Some people in this debate have denied that, so I was pleased to hear the Chancellor of the Exchequer robustly argue that case in this remarks earlier.

In my view, given that a referendum kicked all this off, we now have to ask the people what the right way forward should be. The Prime Minister has negotiated a deal designed to minimise the economic damage. The question now is: should we leave the EU on the basis she has negotiated, or should we stay? That question has to be answered by the people who took part in the initial referendum, either through a general election, at which the parties could set out their stools, or, if that is not possible, through a people’s vote.

4.25 pm

Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): It is always a pleasure to follow the right hon. Member for East Ham (Stephen Timms), who made the point about becoming a rule taker in a very good area of policy.

I have not spoken in the numerous debates over the past year on Brexit as my views are well known to my constituents and others on what I believe delivering a new relationship with the EU should mean, if it is to be respected as a real Brexit. Delivering a new economic partnership with good relationships in sectors of mutual interest and benefit was always going to be a huge job. Forty years of entanglement takes some time to unknot, as anyone who has ever tried to disentangle string knows.

The critical challenge was always going to be how the EU chose to engage in these negotiations for a new relationship and, most importantly, what its attitude to the devolved settlement would be. Would it work on a fair and equitable basis, or would it feel the need to show its strength and authority as a Commission—that overarching legal entity whose purpose is to drive forward the EU integration project to create an economic, political and military union? To those who say that the EU is somehow an ogre or bully working against UK ambitions, I say that is unfair. Its sole mission in any negotiation is to maximise its own interests and benefit to the detriment of those of other nations.

The language of the political declaration does not fill me with confidence. The reality is that we must be able to maintain our sovereign capability, industrial autonomy and freedom to protect our defence industry as we believe necessary and beneficial. This has not been an issue historically because the military union was only an idea. That is no longer the case. I am profoundly concerned that the proposal in the political declaration poses unacceptable risks to the United Kingdom’s defence and security flexibility, tying us into European projects when we might prefer to choose wider global partners. I am afraid that the supplicatory and subservient nature of the proposed treaty and future relationship cannot command my support.

4.28 pm

Albert Owen (Ynys Môn) (Lab): The draft withdrawal agreement is a political fudge. The political declaration weakens the United Kingdom, and, as the economic analysis, whether of this deal or no deal, shows, the agreement would make my constituents, the people of Wales and the people of the UK worse off economically. I cannot support a fudged deal that weakens the UK and makes people poorer, and I will be voting against it on Tuesday, but I will be supporting the amendment in the name of my right hon. Friend the Member for Leeds Central (Hilary Benn).

In 2016, my constituency voted by the slimmest of majorities—715—to leave the European Union. I respected that result. It was a mandate to trigger article 50, which I voted for because I felt that it was the right thing to do. I stand today representing not one section of that community, whether leave or remain, but 100% of the electorate, which includes those who did not vote and those who could not vote because of their age. I am here to represent all those people.

In 2017, the Prime Minister called a Brexit election. She proposed a clean Brexit—everyone will remember her saying that Brexit means Brexit—and she lost her parliamentary majority and that mandate. As other Members have said, she could have then reached out and built a consensus across the Chamber and pulled our country together. She chose instead to put her party’s interests first. She said that a general election was not in the interests of the country, but she went ahead with it anyway and made a deal with the European Research Group and the DUP, and we have seen where that has ended up.

In the 2017 general election, I put forward a sensible soft Brexit. My mandate and my majority increased significantly. Indeed, parties that represented that opinion in my constituency secured more than 70% of the public vote. I wanted a sensible Brexit, and voted for
amendments in the European Union (Withdrawal) Bill. Unfortunately, they were forced down by the Conservatives and the DUP.

My constituency is on the frontline of Brexit. It is the major port with the Republic of Ireland, a gateway to Wales and Great Britain and it relies heavily on trade across the Irish sea. Yesterday, I read with great interest the Attorney General’s advice on trade. His words were very clear—although he is a barrister, I understood every word that he said. He said very clearly that trade between Northern Ireland and Great Britain would require regulatory checks, whether at the airport, at the port, or down the road. There is no room for such checks at the moment. Goods from Great Britain going to the EU would be considered third-country goods. That is why I cannot accept this deal, and it was right that our Front-Bench team fought to get that evidence.

I am on the Business, Energy and Industrial Strategy Committee and have seen no evidence that this deal will be better than what we currently have. I accept that businesses are putting pressure on us, saying that this deal is better than no deal, but it is just pushing the matter down the road. There are no guarantees, which is why Members have to look to the long-term future and to our younger generation and ask with honesty whether they can support a deal that makes that generation poorer and that makes our country poorer. I cannot do so. I think that we should look again. We should go back to Brussels, have a general election or, indeed, another referendum, which is based on the facts.

Andrew Lewer (Northampton South) (Con): Although I am a former MEP and a current member of the European Scrutiny Committee, I have not consumed huge amounts of Chamber time talking about Brexit, largely because most of my constituents in Northampton South are, like me, just keen that we get on with it, and also because esteemed colleagues have said, in every variant imaginable, most of the things that I would have wished to say. However, as we reach this most critical of all critical moments, it is important now to be on the record, and my themes are principle, pragmatism, simplicity and complexity.

Many colleagues here pride themselves on their pragmatism and, indeed, have cited pragmatism as their overriding reason for supporting the withdrawal agreement. I recognise pragmatism as being of value as a means to an end—as a means for a person to achieve their objectives and their principles. What I do not recognise or accept is this concept that has captured some people of pragmatism being a principle. It is not. If being pragmatic defeats the principles that we seek to uphold, then it takes on a much less healthy character. That is the problem with this deal; it offends against some of the key principles that I and many others in this House hold dear. One of the most important of those is the Union. What higher principle can a lifelong member of the Conservative and Unionist party have than that of protecting and strengthening the Union? This deal would create a border down the Irish sea, separating Northern Ireland from the rest of the UK. To quote the Attorney General:

"for regulatory purposes GB is essentially treated as a third country by NI".

It probably does not surprise DUP colleagues as much as it surprised me that a Conservative Government should be seeking to do this—that little bit of distance lending perspective—but I think it is crucial that Conservatives do not do this. The pragmatism? Well, that goes together quite nicely with this issue, because if we do pursue this deal, we will lose the support of the DUP altogether and then we cannot function as a Government.

Beyond the referendum is the manifesto that I and all Conservative colleagues were elected on, particularly page 36, which said that we would be out of the single market, the customs union and the European Court of Justice. That is one of my key reasons for not supporting the deal. My contract with the electorate is tied to the central concept in democracy that we mean what we say and we do not contribute to the growing sense of cynicism in public life. I am not going to say to my constituents, “I only said those things to you to get elected.” It seems like a straightforward principle to me.

The EU is like an onion; every time people get towards a clear view, there is another layer that an expert or someone involved in the Commission can unpel to challenge people with a different view. It is right that we have explained much of that complexity in these huge debates in the Chamber, but it is more important for my constituents in Northampton South to have some simplicity. And here it is. The referendum result was leave. We were elected on a manifesto that made it abundantly clear what kind of leave we would undertake, and we formed a Government on that basis. This deal is not that leave; the indefinite backstop, the border down the Irish sea, the ongoing role of the ECJ are only the most prominent reasons why it is not. If this deal goes through, we lose our majority with our DUP friends. Simplicity, principle and even a good dose of pragmatism—all good reasons for saying no to this deal.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I have been elected to this House twice since the referendum: first in a by-election, and then a short 12 weeks later in the general election. Both times, I was elected on a clear promise and a manifesto commitment that said that we would respect the outcome of the referendum. In my mind, that means that we leave the European Union, but do so in a way that causes the least economic damage. That does not mean a hard no-deal Brexit or a second referendum, which I do not support and think would do nothing but further entrench the divisions in our society.

The anomaly of this debate is that, frankly, everyone contributing today has made up their mind. Everyone who will contribute on Monday and Tuesday has made up their mind. In fact, we could probably have a good guess now as to the final numbers in the Division on Tuesday—that is, that the Prime Minister’s deal is dead; it is sunk; it is no more. The real debate we should be having is about what we do next. What does this country do next that avoids the current default option of no deal, but at the same time allows us to honour the spirit of the referendum and untie our political union with the European Union?

My leave-voting constituency was 70:30. In parts, it was 80:20. My constituents were quite clear. Contrary to the emails I have received, they were not racist,
prejudiced or thick. And it was not the case that they "did not understand" or "did not know". My particular favourite was the lady from London, who emailed me to say that I should get a subscription to The Guardian for every person who voted leave—then they would really understand what life is like in this country.

We should be looking at how we can heal the nation as a whole. I say to my constituents who say that we need to get out of Europe at all costs, Europe is not the cause of our problems, but nor is it the salvation. It was not until '97 when a Labour Government came to power that we signed the social chapter, despite it being a piece of European policy from '93. When workers' rights were attacked by the Conservative Government by doubling the continuity of service before workers could access them, it was not Europe that stood up for them; it was the trade union movement. When the Trade Union Act 1984 was introduced to try to take away that power, it was the Labour party that stood up against it, not the European Union.

In my constituency, we have lower wages. We rank 13th in social deprivation tables. We have a hospital in financial special measures. Young people in my constituency struggle to get a house, get a job or go to college. That is why we are members of the European Union. The European Union offers no bulwark against the social inequalities we see today, which are predominantly driven by domestic issues perpetrated by the Government. We should spend our time and energy working out the radical domestic policy agenda that we want to enact as a Parliament and as a country to deal with those social ills.

So far the debate has focused almost entirely on process. We have talked about votes, amendments, the order of amendments, the membership of sifting committees, whether the House of Lords gets to have a vote that stops something, or whether an amendment is binding. My constituents frankly do not care about that. They want to know how they will feed their kids and heat their house, and how they will get to work if there is no bus. How will they make ends meet if they have to move from their current benefit on to universal credit? Those are the issues that motivate people in my constituency, and the sooner we move away from Brexit the better.

That does not mean, however, that we should simply sign up to any deal that the Prime Minister puts forward. I do not know what the alternative is, but no one else in the Chamber appears to know either. Everyone says that no deal is not an option—fine, let us take that. We have been semi-detached members of the EU and not fully signed up—that is why we wanted opt-outs, rebates and the like. Prime Ministers from successive Governments have struggled with the fact that they were pushing people in a direction in which they did not want to go. The talk we repeatedly hear of a second referendum is unacceptable. What if the result was narrower than the first? What if only 50.1% voted leave? The debate would continue interminably.

I firmly believe that we should reject the deal. Under no circumstances could I support it, although I recognise that at some point we will have to coalesce around yet more compromises. That is regrettable, but inevitable.

4.45 pm

Ian Paisley (North Antrim) (DUP): My constituency voted overwhelmingly against the European Union; it voted to leave. Indeed, it was the constituency with the largest leave vote in Northern Ireland and about the fifth largest in the whole United Kingdom.

My constituents did not vote that way out of some sense of stupidity. I want to paint a picture of what my constituency represents. It makes up about 25% of Northern Ireland's manufacturing base—precision engineering, aerospace, pharmaceuticals and bus manufacturing; about 60% of the buses driven on the roads of this nation's capital are engineered and made in my constituency.

The rest of the constituency is made up of a huge hinterland of agri-food production and, at the top end, a huge tourism sector, which has seen major growth in...
customers from outside the EU in recent years. My constituency is diverse, wealthy and economically important to Northern Ireland, with a huge economic drive. It was part of the European Union for 40 years. The agri-food operators there are major producers of milk, beef, lamb and poultry—most the poultry sold on this side of the water is grown in my constituency. When people walk into their supermarket here, they are more than likely picking up a County Antrim turkey, piece of pork or chicken.

It could have been said that the farmers in my constituency would never be interested in leaving, because they were part of the European club. They had been in a club for 40 years, were given the choice to leave and told that they would no longer have all the largesse they had been given, but still, looking at the ballot paper, willingly decided that they wished to leave. They did not do it through stupidity, but through knowledge. Clearly, the club they had been in for 40 years was failing them in such a way that they felt that this was an opportunity to find a new direction—new hope, new employment and new opportunity.

In thinking about where we should go next and about the battles and divisions that have arisen, I am reminded of a quotation from C. Desmond Greaves, the Irish historian, who said:

“All fundamental battles in British politics take place in the Conservative party, with everyone else having bit parts.”

That may not be entirely accurate, but some of the huge issues that have driven our nation—whether it is the corn laws, the imperial preference in the 19th century, the appeasement of the Nazis in the 1930s or our relationship with the EEC in the 1960s—were about divisions in the Conservative party.

I will say this. The issue is not about how the Opposition side of the House are going to vote, but what the Government side are going to do. They have a choice: they can stuff Northern Ireland into being some sort of adjunct of this kingdom and damage it for generations—forever—or else they can say that there is a better way, an alternative, and we will find it. We are already hearing mutterings from Downing Street that alternatives can be found and that there can be certain twists and turns. Please, Government Front Benchers, I beg you: help us find that alternative and we will help you and help make sure that this country goes on from strength to strength.

4.49 pm

Robert Neill (Bromley and Chislehurst) (Con): It is a pleasure to speak in this important debate. It is also a pleasure to follow the hon. Member for North Antrim (Ian Paisley). He and I come at this from a different perspective, but that is because I am concerned about the interests of my constituency.

My constituency voted very narrowly to remain in the European Union. I have always been a supporter of being a member of the European Union. I campaigned for remain; I voted to remain; and I would do so again. I do not believe that we will be advantaged by our leaving. However, we cannot wish away the outcome of the referendum. I stood on a manifesto at the election that said that I would endeavour to implement the outcome in a way that protected the interests of the businesses and jobs of my constituents. From my constituents’ point of view, the most important thing is to ensure continuity and business stability.

The largest proportion of the working population of Bromley and Chislehurst—some 36%—works in firms in and connected with the financial and professional services sector. London is the leading European centre for those businesses. A manageable Brexit, all those who work in those sectors tell me, would be an economic blow: we would not be as well off as we were, but it would be manageable; it could be contained and we would then, in due course, be able to build up opportunities and fresh markets elsewhere. But the one thing that would be disastrous for the financial services sector—which underpins the whole of our economy, it is worth stressing—would be a disorderly, no deal Brexit. WTO terms are of no assistance at all to the services sector, and since we are an 80% services economy, we should not forget that.

That is why although the deal is imperfect, because all compromises are, I will support it. I will support it because I am a Conservative on the grounds that I believe in free markets and capitalism; I am unashamedly a supporter of that system. I also do so because I am unashamedly a Unionist. I genuinely believe that the Prime Minister has used her very best endeavours to try to reconcile two very difficult, conflicting tensions within our United Kingdom in a way that is honestly intended to try to enable the Union to be preserved, but equally to enable us to have a sensible and organised departure from the EU, and a basis on which to build on our future relationship.

I would like to see more about services in the future relationship, but I accept that that is a compromise I must make. The key thing is that everybody in the sector says that this deal gets us into transition. There are very complex technical matters that we will need to sort out around the whole of the services sector. I mentioned financial services but I also mention legal services. The Justice Committee recently did a report on this. There are significant technical issues that we will need to sort through. That cannot be done in a matter of months, as has been said—40-odd years of integration will take time to unravel—but the transition period gives us the opportunity to do it in a constructive way. Otherwise we potentially put at risk billions of pounds of important trading revenue coming into this country, and therefore important tax revenue for our public services as well.

That is why I will put aside such qualms as I have and support the deal. I appreciate that the backstop is an issue for many of my colleagues. I do not much care for it, but I take the view of the Attorney General that we need to look at the balance of risks. Something that may not, at the end of the day, ever be needed—as I suspect will be the case—has to be balanced against the certain risk of the disruption to key elements of our economy of no deal and the risk of further division in our country if we do not accept the outcome of the referendum and find a new basis on which to go forward.

4.53 pm

Phil Wilson (Sedgefield) (Lab): We all know, whatever our views on Brexit, that this is a moment of history critical to the future of our country. I think of my children and my grandchildren and their future in a world that is becoming more uncertain, from climate...
change, to globalisation, to international terrorism, to the threat of countries like Russia—and into this pot of international and global uncertainty, we throw Brexit. At a time of international political divergence when our global institutions and alliances that have been the foundation of the rules-based order are in question, we decide to break away from one of those economic unions because of nationalistic politics and fantasy economics pedalled by populists, many of whom cannot even be bothered to stay the journey and help sort out the mess they have created.

I am proud of my country. I am a patriot, not a nationalist. Nationalism, as we know, leads down bleak avenues and dark cul-de-sacs. As a patriot, I look around the world at the economic might of the USA and China, and I do not believe it is wise to leave a union of 27 other European countries that provides one of the biggest single markets with 500 million consumers. However, the British people voted to leave the EU.

The Prime Minister started her tenure with the red line of “Brexit means Brexit”—a solid, simple red line that has been washed away with a withdrawal agreement in which Brexit means fudge. If this deal gets through, on 29 March we will have nothing to guide us forward except a vague “all things to all people” political declaration. When I ask the Prime Minister in this Chamber whether her deal is better than the one we have now, she cannot answer yes, because she knows in her heart of hearts that the answer is no. With the Prime Minister unable to answer a direct question, the Government press on, sound in the knowledge that our constituents will be worse off and that nothing more can be done. That is the perverse logic of Brexit. We know that what we are doing will damage our country, but we are going to do it anyway.

I campaigned to remain in 2016, and I cannot say in good faith to my electorate that I have changed my mind on Brexit. First, my constituents would not believe me, and secondly, I did not enter politics to knowingly make my constituents poorer. That presents a moral dilemma for remain-supporting MPs, especially those whose constituencies voted to leave. Many of my Labour remain-supporting colleagues who represent leave-voting constituencies feel this acutely, and I feel it, too. In my constituency, almost three out of five voters voted to leave. For me, however, the fundamentals have not changed. Brexit will be bad for Britain, the north-east and my constituents. Remain MPs know that if leaving the EU was not good for the country in 2016, after all the Brexit twists and turns since then, leaving is certainly not the right thing to do now.

The electorate is now faced with the reality of Brexit in 2018, unlike the myths of 2016. That is why the British people should have the right to think again, in a people’s vote. If, which seems likely, MPs are to have two votes on Brexit in the next two weeks, why can the British people not? They may agree to proceed with Brexit, or they may decide to stop what we have started. Either way, the final decision will have been made. This started with the people. It should end with the people.

4.56 pm

Richard Drax (South Dorset) (Con): Before I start, I want to say this. Two Opposition Members have called myself and other honourable colleagues “extremists”.

I am not an extremist; I am a humble Back-Bench MP trying to deliver what the British people asked us to.

I wonder how posterity will record this period of our island’s history and democracy. Will it be a period of unity, courage, integrity and democracy in action, or will it be a period of division, rancour, faint-heartedness, lack of integrity and the will of the people disrespectfully ground into the dirt? I had hoped and prayed for the former, but I fear the latter is more likely to darken the pages of our history books in the future, unless there is a Damascene conversion in Government policy. I remind the House that we agreed to an EU referendum by 544 to 53 votes, to trigger article 50 by 461 to 89 votes, and to pass the EU (Notification of Withdrawal) Bill by 498 to 114 votes. Those were not marginal wins.

Our instructions and our duty are clear: to leave the EU in its entirety. However, regrettably and sadly, there are many politicians on both sides of this House and the upper House who are doing all they can to prevent Brexit. If their will wins, why on earth should any of us stand for this place again? Why should we knock on doors and sell our hopes for the country, whichever party we belong to, when no one will believe a word we say? Despite frequent warnings, we are being led to a dark place, unprecedented in our history.

I was grateful to be granted a private meeting with the Prime Minister on Tuesday. Having written to her frequently with my blunt assessments of her direction of travel, what I say in this Chamber. I have communicated directly to her.

Many colleagues have already exposed the deal for what it really is, but I would like to briefly list five of the reasons why I cannot vote with the Government on Tuesday. First, it does not deliver what the people voted for. Secondly, the backstop is a potential trap. Thirdly, the Prime Minister promised repeatedly to respect the constitutional integrity of the United Kingdom; the withdrawal agreement does not. Fourthly, we intend to hand over up to £39 billion of taxpayers’ hard-earned money without so much as a by-your-leave. Fifthly, the much ignored and extremely ambiguous political declaration leaves far too much room for mischievous politicians, both here and in Brussels, to play fast and loose with the UK struggle to leave the EU.

As I have the time, may I briefly touch on the no deal? When we negotiate, we have to have something to fall back on. We need a point beyond which we will not go any further, and that is what the no deal option is. It is one that none of us wants—whatever those in this House think that people like me think, we do not want it—but the WTO terms are not the end of the world, and under those terms the EU cannot discriminate against us. This whole debate is about our destiny—the future—and once we have grabbed that future, the rest will fall into place.

5 pm

Joan Ryan (Enfield North) (Lab): I campaigned during the referendum to remain; I voted to remain; and, like many, I was devastated at the outcome. While the EU is far from perfect, our country, our capital and my constituency have benefited hugely from our membership of it. Enfield North constituents voted narrowly to remain. However, I accepted that the country as a whole voted to leave, and the Government therefore had a
mandate to negotiate a Brexit deal, so I voted to trigger article 50. I can say that I deeply regret this decision. If I had known then that the Government would make such a mess of the negotiations and would bring back a deal that will make my constituents and our country so much poorer, I would never have voted to trigger it.

The Government are pursuing a policy that will damage our country for generations. Dami ng economic analysis by the Treasury shows that, in every scenario, Brexit would make our country worse off. Nobody voted for that in 2016: it was not on the ballot paper; nor was it plastered as a pithy slogan on the side of a bus. A YouGov Brexit poll in The Times yesterday shows clearly that a growing number of people believe the leave vote was a mistake and less than one in four people support the Prime Minister’s deal.

People do have the right to change their minds. In separate YouGov research this month, three times more voters say the case for the public being given a final say on Brexit has been strengthened than say it has been weakened. The majority of the public now support a people’s vote, including 60% of people living in Enfield North. Is that any wonder, given that the Prime Minister has consistently put her party’s interests before the interests of this country? It is pointless for her to tour the TV and radio studios to sell her Brexit deal to the public, but not give them the opportunity to decide whether they want to buy the deal with a people’s vote.

The Mayor of London, Sadiq Khan, has said that “the abject failure of the Government—and the huge risk we now face of either a bad deal or a ‘no deal’ Brexit—means that giving the abject failure of the Government—and the huge risk we now face of either a bad deal or a ‘no deal’ Brexit—means that giving the public, but not give them the opportunity to decide whether they want to buy the deal with a people’s vote.

The public must not be shut out of this decision, given what is at stake. Huge economic risks and human costs are involved. Independent economic analysis shows that every Brexit outcome analysed would be bad for the economy. A worst case no-deal Brexit could mean 87,000 fewer jobs in the capital alone by 2030, and a lost decade of less investment and lower growth.

At Brimsdown in Enfield, we have the second largest industrial estate in London. It is a vital part of our local economy, with 8,000 people employed in 240 companies on site. Many of these companies trade throughout the EU, relying on the single market, the customs union and freedom of movement. If we were to crash out of the EU with no deal or leave with this bad deal, Brimsdown and our local economy will suffer.

Enfield has already been hammered by eight years of Tory austerity. The council is having to cope with a £178 million cut to its budget, which is piling huge pressure on services. There is soaring child poverty, with 34,000 children in the borough now living below the bread line. One in three jobs in Enfield is paid less than the London living wage. Families are struggling just to keep their heads above water, and I am not willing to gamble with their livelihoods and our economy to satisfy the fantasies of hard Brexiteers.

We have other responsibilities about which to be mindful, such as the future of our young people and ensuring they get the best possible start in life. All the young people I have talked to feel that we have sold them down the river. It is time to go back to the people and let them decide.

5.4 pm

Julia Lopez (Hornchurch and Upminster) (Con): I recall, not long after the Chequers plan was announced, looking across the Chamber during Prime Minister’s questions and feeling a terrible sense of dread as I realised that the moment of reckoning was coming that could see this House completely out of step with the wishes of the British people. That moment is now upon us, with each and every parliamentarian facing a choice that could profoundly influence trust and faith in our democracy.

The EU referendum took place before 2017 MPs like me were elected. I approached that poll as a private citizen, with a genuinely open mind about the choice before us. The subject of Europe was never one that had consumed me. Along with countless British citizens, I thoroughly researched the issue and largely ignored the hyperbolic official campaigns. As I did so, I assumed that the facts would eventually stack neatly in favour of one choice or the other as I totted up the benefits and drawbacks of each. However, that never happened. I came to realise that the referendum was not a black and white issue with a correct answer, but fundamentally a judgment call about the future, a future that neither side could claim to predict.

I judged that the EU was going to have to politically integrate more deeply if the euro was to survive, creating an inevitable and potentially unbridgeable fissure with non-eurozone members. I saw an organisation that was unwilling or unable to change in the face of major crises at its borders and across its economies, a body that seemed ever more distant from the people it purported to represent and whose structure was neither nimble nor flexible enough to deal with the fast-changing global landscape. When attempts to renegotiate our relationship resulted in so little and when referendums in other nations had gone largely ignored, the notion that we might influence fundamental reform from within seemed more the triumph of hope over experience.

I was equally fed up with the habit of our own politicians of blaming the UK’s shortcomings on Brussels all the time. After the financial crisis and expenses scandal, faith in politicians seemed never to have been lower. I wanted greater accountability of the governing and to bring power closer to, and restore the consent of, the governed. I did not tell anyone else what option to choose, but I decided on balance to vote leave, in the faith and acceptance that whatever the result it would be implemented by those in power. Now I am an MP, I believe ever more, as I look across at a continent where people’s genuine frustrations are translating into political extremism, that Brexit gives British politicians the chance to shape today what could prove an uncontrollable democratic crisis tomorrow.

After my election, I supported the Prime Minister’s original Brexit strategy as set out in her numerous speeches: not to cherry-pick from the EU’s four freedoms, but, while leaving, to seek as wide-ranging and comprehensive a trading and security relationship as possible. I accepted that compromise would be necessary to get there and that aspects of the process would be complex. The Chequers plan, however, marked a turning point for us all. Far from pleasing either side, it united both remain and leave camps in its misguided attempt to achieve a half-in, half-out relationship with the EU. Once that plan had been roundly rejected by European
negotiators and requests for a new direction were resisted, we were set on the path of the deeply flawed withdrawal agreement that we debate here today. With the clock wound down and no-deal warnings ramped up, this agreement is now being fought not on its merits but on the grounds that the Government have contrived to offer no better options. Under its terms, on 29 March, we technologically leave the EU but enter straight into a transition period that will give us another two years of political discord, unable to move to the relationship we desire because we have given up all our negotiating leverage. The pretence that we should be able to strike free trade agreements of any value, win back control of our laws and fulfill the manifesto commitments upon which all Conservative MPs were elected, is, I fear, a collective delusion, with this agreement a clever ruse disguised as a sensible compromise.

It has been convenient to portray this battle as one that takes place exclusively within the Conservative party and to suggest that a small band of right-wing Brexiteers is holding the moderate majority to ransom. However, this is not about what Brexiteers want. The reason why this fight matters so deeply is that this withdrawal agreement is not consistent with what the British people voted for and it places us in a position unworthy of our nation.

5.8 pm

Sandy Martin (Ipswich) (Lab): I voted to remain in the European Economic Community in 1975. As a young man who had just turned 18, I was lucky enough to be able to make a decision that affected my economic future. It is a matter of regret that 16 and 17-year-olds were not able to vote in June 2016. The terms on which we leave the European Union will have a massive effect on their lives, far more so than on the lives of the over-70s.

The result in 1975 was very clear. Given the economic circumstances in which this country found itself in 1975, I am not at all surprised. The six original nations of the EEC had growing economies, flourishing trade and bright futures. The UK had just come out of the three-day week. If anyone had seriously suggested in 1975 that 43 years later, the UK would be the fifth largest economy in the world, would they have been believed? I fail to understand the logic of so many Government Members who say with one breath that this country is flourishing and with another that we should tear up a major part of the economic framework that has put us in that position.

I want to focus on the future—on the future of young people in Ipswich today and on the effect that this so-called deal is likely to have on them if we leave the EU on these terms. First, the Government’s own economic analysis shows Brexit on this deal costing us around 3.9% of our GDP, dwarfing the current level of contributions to the EU. I cannot in all conscience vote for any deal that leaves my constituents worse off, and I cannot understand how any other Member of this House could either.

Secondly, without a strong single market, much of the current growth in tradeable services will be stymied. Much has been made about manufacturing industries and I will say nothing to belittle their importance, but in my constituency, and in many others besides, it is in financial services, insurance, software design and creative industries that the future lies for our young people. They are already embracing those new industries and we run the very real risk that our market for those new industries will be chopped down just as it starts to bear fruit. Thirdly, this deal provides no guarantee that the UK will continue with key educational, scientific and other research programmes.

Ipswich has one of the fastest-growing economies in the UK and that growth is in many of the same sectors as we have in Cambridge, the current success story. That is put at risk by any block either to our ability to sell knowledge-based products, or to the free movement of those engaged in research and the knowledge economy. All of us need young people in the UK to be able to share and learn from each other across Europe; otherwise, what developed knowledge-based economy are we going to have? Where is the money going to come from to support us in our old age? We cannot all live on dividends from offshore investments. I do not believe that there is enough in this withdrawal agreement to mitigate the appalling damage that would be done to our future by leaving the EU without a deal. Hon. Members should not support something that they know to be wrong just in case the Government might plunge us into an even worse situation.

I will support any amendment that seeks to rule out a no-deal Brexit altogether. If Government Members agree to hold a general election now, I believe that it will still be possible, whatever Michel Barnier might say, for an incoming Government, focused on the future prosperity of our country, to produce a withdrawal agreement that would be less damaging to our economy and acceptable to the EU. However, if that option is not available to us, I urge hon. Members to consider what the younger residents of the UK would want us to do, including those who were not old enough to vote last time round.

5.12 pm

Jeremy Lefroy (Stafford) (Con): I want to look forward 10 years from now, at the position our country will be in if we vote for the withdrawal agreement, as I intend to, and have a deal along the lines of the political declaration. I believe that we will see a country in which we have implemented the results of the referendum and that we will almost certainly—I will come on to that in a minute—have broad and comprehensive agreements with the European Union. We will probably have agreed free trade agreements with many other countries, including those that we do not have them with at the moment.

However, there is, of course, uncertainty in that. There is uncertainty in every course that we could take. Indeed, there is even uncertainty if we stay in the EU—we do not know what the EU will be like in 10 years’ time and how much more integration will have occurred. In the long term, however, our future is going to depend far more on proper investment in the education of our young people in this country, on an approach to immigration based on skills and not on salaries, on ensuring that our universities thrive, and on investing far more than we have done, even as a member of the European Union, in capital and research.

One thing I know is that I cannot under any circumstances support a no-deal outcome. My hon. Friend the Member for North Thanet (Sir Roger Gale) described on Tuesday the consequences for his constituency, and my right hon. Friend the Member for Sevenoaks (Sir Michael Fallon) said yesterday that "no deal would be highly irresponsible."—[Official Report, 5 December 2018; Vol. 650, c. 939.]
Having visited the port of Dover, Honda in Swindon and Toyota in Burnaston last week, having spoken to Jaguar Land Rover, a very important employer in my part of the world, and having seen the dependence on frictionless trade, I absolutely agree.

One thing is really important. The hon. Member for Stoke-on-Trent Central (Gareth Snell) mentioned it earlier. This is about more than just a trade deal or a future relationship. This is about investing in our communities, the communities that have been left behind and have been ignored by us—Members on both sides of the House—over the last eight years. It is time that we got real. It is time that we had something almost like a Marshall plan for the United Kingdom to put us into a position in which we can thrive and compete in the 21st century, and, to be honest, I do not think that our membership of the European Union is as important in that respect. All those decisions will be made right here, in the House.

Let me say finally that we have to work together, across the House, to ensure that whatever happens on Tuesday—and it looks very much as though this deal will not get through, at least on Tuesday—we work to secure an agreement so that we do not leave without a deal next March.

5.15 pm

Ruth Smeeth (Stoke-on-Trent North) (Lab): It is a pleasure to follow the hon. Member for Stafford (Jeremy Lefroy).

Like my constituents, I am fed up. Too many Members have felt it appropriate to play political games with real people’s lives over the last three years. I voted to remain; I campaigned for remain; and, like the minority in my constituency, I believed that staying in the EU was the best option for the country, but I lost. In fact, I represent the third most leave Labour seat in England. I did not lose because my constituents were thick or racist; they are not. They just disagreed with remain voters on what the future direction of the country should be, as is their right.

To be candid, I am fed up with people patronising my friends and neighbours because they do not agree with some of the voices that are currently shouting loudest. My constituents voted in overwhelming numbers to leave the European Union, and they had good reason. They feel no benefit from our membership in their day-to-day lives. In fact, given that for 40 years as politicians we have blamed Europe for decisions that we in the House could have challenged, why were we surprised that the majority of the country voted against remaining in the EU? We have a responsibility to deliver that for them, while seeking to ensure that we achieve a Brexit that works for them and the country, and, most importantly, protects the next generation.

I want to vote for a deal. Crashing out with no deal is simply not an option for the country or for the Potteries. I have waited patiently for the Prime Minister to deliver a deal that I could vote for. I have waited for her, or one of her team, to reach out to those of us on the Opposition Benches and ask what the world needs to look like in our communities after Brexit—to ask what we need to deliver for trade, for industry, for jobs and for people to make this work. I am still waiting; my constituents need to know.

We need detail, and we need it before we are asked to take a leap into the unknown. We need certainty on the economy; we need reassurance on our sovereignty; we need guarantees on our national security; we need to know what our immigration framework will look like; we need assurances on the immigration status of EU residents in the UK and UK residents in the EU; and we need protections for both the environment and workers’ rights—but what have we got? A withdrawal Bill that speaks of fishing more than of jobs, a future plan that is not binding and a proposed deal that neither secures the Brexit for which my constituents thought they were voting, nor protects our long-term trading future. How offensive is it to this place that we have no guarantees on any of those issues less than a week before we will be asked to vote?

My constituents and I are left between a rock and a hard place. What is in front of us is a withdrawal deal that is, rightly, overwhelmingly about process, but the Prime Minister has failed to remember who she is negotiating for. For two and a half years, we have been consumed by process. The Prime Minister has forgotten about the people who are struggling to pay the bills. She has forgotten that, fundamentally, we are here to make people’s lives better. So it is no surprise that my constituents do not think that this is a good deal: in fact, fewer than 20 of them have asked me to support it.

While I am far from comfortable with the uncertainty that will exist when the motion fails next week, I cannot in all good conscience vote for a deal that leaves so many unknowns for my constituents. I beg the Government to try again and to give us more reassurances about the next steps for Brexit and our place in the world, so that we know where we are heading when we do leave the European Union on 29 March.

5.19 pm

Giles Watling (Clacton) (Con): It is an honour to follow the hon. Member for Stoke-on-Trent North (Ruth Smeeth).

Like my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames), I was a remainer, but I am a democrat and 72% of my constituents voted to leave. Oddly enough, 10 months later, some 60% or so voted for me, but they did that because they thought I would be part of a Government who would deliver on their wishes.

The withdrawal agreement ticks so many of the boxes demanded by the British public and my constituents in 2016: we regain control of our borders, we protect jobs, we will no longer be sending vast amounts of cash to bolster the European budget, and we will be able to strike free trade deals across the globe—hurrah. Like many others, however, I have serious concerns about one particular thing: the backstop. I know, having spent most of the last fortnight speaking to residents in my area—I held a rumbustious open meeting last Saturday—that my constituents share these concerns.

As we all know, the Attorney General conceded earlier this week that there is no unilateral right for either party to terminate the backstop, so if no superseding agreement on our future relationship can be reached during the transition, the backstop would be activated and would subist even if negotiations break down. So what has been the point of the last two years of uncertainty
and pain if, in the final analysis, we will still be under the dominion of the European Court of Justice? That, to my mind, is not taking back our sovereignty.

That is why I have tabled amendment (d), which will make the House's approval contingent on the Government negotiating absolute guarantees within the withdrawal agreement, to ensure that a deal on our future relationship is in place, in full, before the transition ends. Such guarantees would negate the need for any backstop.

I do, of course, recognise that under article 184 both sides are required to use “best endeavours” to conclude an agreement, as far as is possible, before transition ends, but although that means that both sides must do everything in their power to reach an agreement, it does not impose a strict legal obligation. Some might say that the transition period is not long enough to conclude such an agreement, but I disagree, and the Government concur with my stance: the Secretary of State said that it is the Government’s ambition to have a deal concluded by July 2020. That will be a challenge, no doubt, but our negotiating teams have already achieved far more in a short space of time than any of us expected, or, quite frankly, have even given them credit for.

I am of the firm belief that a deal is doable during transition. After all, we all want to do a deal, on both sides of the channel. Therefore, in tabling my amendment I simply ask why we cannot have a guarantee that the agreement will be signed, thereby circumventing any backstop. Evidently, both sides are happy with “best endeavours”; in my view, however, best endeavours are not good enough, as they are not cast-iron.

I hope that colleagues will support my amendment, and should this deal fail to pass the House next week I hope that the Government will look closely at securing these guarantees. Moreover, I believe this change would also address the fears of my constituents, and those highlighted by my colleagues during this debate; and we would, at last, get this agreement over the line and find a way forward that delivers on the result of the referendum. The good people of the sunshine coast of Clacton want a good deal, so let us get this deal done and move towards a brighter future.

5.23 pm

Mike Gapes (Ilford South) (Lab/Co-op): It is a pleasure to follow the hon. Member for Clacton (Giles Watling).

In his introductory remarks, the Chancellor made it clear that leaving the EU will have an economic cost, and that is right: any deal of any kind will be putting us economically as a country in a worse place than we currently have as members of the EU, its single market and its customs union, with its frictionless trade. For our financial services sector, which is so vital for our country, and especially for London’s economy, this deal does virtually nothing. We therefore have a dilemma.

It is fashionable to say that the British people did not vote to become poorer, but some of the opinion polls at the moment seem to suggest that about 35% of our people are quite happy for the country overall—if not for themselves personally—to be poorer if we get some sort of great independence and sovereignty. I must point out to those Members who referred to this issue earlier that the United Kingdom is already a free, independent state inside the European Union—just as it was inside the European Economic Community—alongside the 27 other free, independent states that voluntarily associate together to make the collective rules through a democratic internal process represented by a Council of Ministers and a Commission consisting of elected Members of national Parliaments, and by the European Parliament. We remain an independent democracy, as we have done for many years. This false comparison between the EU and the Soviet Union that is being put out by the ultra-Brexiters really must be taken on and dismissed.

This is the worst time for our country to be leaving the European Union. If the deal is agreed, we will have a political declaration that states that we will not be in the European Defence Agency or the European Defence Fund and that we will not be in the permanent structured co-operation. Instead, rather than participating, we will be involved in some kind of indirect manner. We will not be in the room—we will not even be in the corridor outside the room—but perhaps we will occasionally be associated with things that the EU does. At this moment, the UK and France together are the most important contributors to European defence within the EU states, but we are going to move out of that. We are also going to cease to be one of the EU states involved in the co-operation in the United Nations. We will still be on the Security Council, but we will no longer be there, along with France as a voice for the other 27 in Europe.

This is a very bad deal, and I will vote against it. I voted against triggering article 50, and I voted for all the measures to mitigate the damage. Ultimately, we have to have a choice; we have to put this matter back to the people to decide between this deal and remaining with the deal we have now within the European Union.

5.27 pm

Maggie Throup (Erewash) (Con): Thank you, Mr Speaker, for this opportunity to contribute to what is probably one of the most important debates of my parliamentary career. In the time available, I want to explain why, if the terms of the withdrawal agreement and the political declaration remain the same, I will be supporting the Government when Parliament votes on the deal next Tuesday evening.

I personally voted to remain within the EU, but at the time of the referendum result and at the subsequent general election, I committed fully to honouring the will of my constituents, 62% of whom voted to come out and 38% of whom voted to remain. My commitment to my constituents has not changed. My decision on whether this deal is the right deal has not been taken lightly. It has been reached only after many conversations with my constituents and after reading through the many emails and other correspondence that I have received from constituents about the different formats of the deal over the past few weeks, and indeed since the referendum.

Local businesses in my constituency, such as my many upholsterers in Long Eaton, have also urged me to back the deal. They need to ensure that they can continue, for example, to buy their fabric from Europe in a way that does not affect their business, because that is their livelihood. The upholsterers in Long Eaton employ a total of more than 2,700 people and have a combined turnover of £250 million. That involves just 1171 1172

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They just want to get back to normal, so that consumer confidence will return, securing jobs, trade and continued success not just for my constituency, but for the whole UK.

I fully accept that the deal may not be perfect in every single way, but the very nature of negotiation means that both sides must be willing to give and take. What about the alternatives? The case for a people's vote has been advanced by some to try to overturn the decision of the British people, but that would not only be undemocratic, but risk dividing our communities even further—perhaps irreversibly. Others have argued that no deal would be an option, but although the Government quite rightly continue to prepare for it, we do not want it and should not have to go down that route, because that would affect our trade and future prosperity. Many of our constituents increasingly see a political class that has become so entrenched in our own idealistic visions of leaving or remaining that we run the risk of losing their faith in this Parliament. My appeal to Members across the House is to end the political games, reflect on the consequences of rejecting the deal and then let us unite to do what is in our nation's best interest.

I mentioned the small upholstery businesses, but I also have large businesses in or on the edge of my constituency. One business that employs 17,750 people across the UK and Ireland said to me:

“We ask that you give us the opportunity to build upon Brexit and make it a success and vote the Prime Minister's deal through to give us the clarity we so badly need.”

Other local businesses where many of my constituents work, such as Rolls-Royce, Bombardier and Toyota, echo that sentiment.

In conclusion, I know in my head and my heart that we need to support the Government for the future prosperity of our nation.

5.31 pm

Diana Johnson (Kingston upon Hull North) (Lab): Hull is full of hard-working, patriotic people. It is an outward-looking port city that trades with Europe every day. In 2016, over 60% of the city voted to leave the EU. The people voted for many different reasons, but the one that I heard the most was the feeling that our country could do better outside the EU, taking back control of immigration and much else. How could it be any worse? We have lower than national average life expectancy, lower wages, lower investment in transport and infrastructure, but higher unemployment and fewer opportunities.

As the shadow Chancellor said in his opening remarks, Hull people felt and feel ignored and left behind, so the leave campaign’s promises were attractive. Why not vote for £350 million a week extra for our NHS, the promised billions for our ailing railways or a renewed fishing industry? My near neighbour and a former Brexit Secretary, the right hon. Member for Haltemprice and Howden (Mr Davis), promised:

“There will be no downside to Brexit, only a considerable upside.”

However, having a simplistic binary choice in a referendum for determining our relationship with a complicated and complex set of institutions has resulted in confusion. Although my constituents voted to leave the EU, there is little clarity about what they voted for, but all of them voted on the basis that they and their families would be better off.

As a democrat, I therefore voted to trigger article 50, but the preparations to leave the EU—or lack of them—and the conduct of the negotiations have been wholly the responsibility of the Government. While so much was made of the role of this sovereign Westminster Parliament, the Government have fought every step of the way against Parliament having a meaningful say on this most important issue. The Prime Minister has boxed this country and herself in by setting a rigid timetable and red lines on the single market and customs union. I cannot support the deal before us today because I sincerely believe that it will not ensure that my constituents’ lives will get better—they will get worse—nor give us back real control.

The vast majority of Hull North voters who have contacted me about the Brexit deal want me to vote against it, including most leave voters. A decade after the global banking crisis and the years of resulting austerity, we now face the real danger of destabilising our economy for years ahead. The promises made to my constituents about how straightforward it was going to be have not lived up to the reality, and the Government have largely spent the past two years negotiating with themselves.

The Prime Minister described the political declaration as a “set of instructions” to those negotiating after we leave. Surely that is the weakest position to negotiate from. Specifically, there is no agreement on frictionless trade, which is vital to a port like Hull. The promised fishing deal has not been done. On security, there is no agreement to remain part of the European arrest warrant or to retain access to the EU criminal databases after 2020. Pharmaceutical companies have concerns about access to drugs, and UK students have concerns about studying in Europe. There are concerns about visa-free travel, about university and NHS recruitment and about access to research.

We are being sold a pig in a poke. Corrosive uncertainty will continue for years, and we will not be better off. We have more years of negotiating deals, and under this agreement, we will be taking rules from the EU. Rather than being boxed in, Parliament now needs to look at all the options. We have stood alone as a country before, but our country has survived and thrived by building alliances around the world, and this deal does not do that.

5.35 pm

Sir Hugo Swire (East Devon) (Con): No one ever said it was going to be easy. I never shared the lofty visions of the founding fathers of the EEC, the EC and the EU—Schuman, Adenauer, Monnet and others—but I totally understand where they were coming from in post-war, post-consensus Europe and what they were trying to achieve. I never shared the vision of wanting an ever closer set of federal European states or a European army. I am pleased we were awkward members of the club, as de Gaulle always knew we would be, and that we maintained our own currency, and so on.

We had a failure of understanding and a failure of negotiation when my friend David Cameron, the former Prime Minister, went to try to persuade Chancellor Merkel...
that he needed to be given something to bring back to the United Kingdom. She did not quite understand his predicament.

None the less, I voted to remain because I believed that the EU is immeasurably stronger with the United Kingdom as a moderating force. I questioned who would benefit from a weakened EU, and I still maintain that that is Russia. I have no doubt that people living in Sweden or the Baltic states would share that view. As a former Northern Ireland Minister, I did not understand how we could address the issue of the Northern Ireland border, which I was sure would come up.

My constituents in East Devon, by a small margin, voted to come out of the EU, and I respect that view. Nationally, 1.3 million more people voted to come out of the EU, and we must respect that view. I have been perturbed and variously alarmed and horrified by the way our negotiations have been conducted over the past few months. How we could have agreed to pay a sum of up to £40 billion without securing an agreement I do not know, and I hope my right hon. Friend the Secretary of State for Exiting the European Union will look carefully at the idea of paying the EU with a Brexit bond, linked to the EU’s co-operation with us, to ensure our economy actually prospers.

Normally, as a former remainer, the House would expect me to endorse the withdrawal agreement in the vote next week, but I am currently unable to do so because of the Northern Ireland protocol. I cut my political teeth in Scotland as a Conservative and Unionist candidate, as did my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames), who made such a good speech earlier, and as did you, Mr Speaker. I served in Northern Ireland as a Northern Ireland Minister.

Mr Speaker: Order. Stop the clock. I did in 1987, but I have not the slightest recollection of expatiating on the matter of the European Union and, by definition, I certainly could not have done so on the matter of the withdrawal agreement.

Sir Hugo Swire: I did not say you did. I was just suggesting that you cut your teeth there, and I was right.

From all my experience in Northern Ireland, I know the nervousness of the loyalist community about how it is often treated by the Northern Ireland Office and the Foreign Office, both institutions in which I have served. We cannot possibly place part of the United Kingdom in a position that is different from the rest. It would be an appallingly dangerous precedent.

I beg my right hon. Friend the Prime Minister, whom I salute for even just standing up at this stage, to try to get us some movement on that part of the deal. If she does, she will find that there are those like me who will feel able to support it. If she does not, she will find herself short of votes next week, as there are those of us who put the Union and the integrity of the Union above all other matters.

5.39 pm

Steve McCabe (Birmingham, Selly Oak) (Lab): I want to make a contribution to recognise the wishes and fears of people in Selly Oak who took part in the referendum and to acknowledge all those who have contacted me offering sincere advice, opinions and sometimes threats about how I should vote. I also want to thank everyone who has taken part in my surveys as I have attempted to understand this in the context of the needs of my constituents, a majority of whom voted to remain—in fact, two wards voted to remain and two voted to leave. I have always accepted that people took part in the referendum in good faith and we should try to acknowledge the overall result, even if it is extremely uncomfortable in a constituency such as mine, but what I cannot accept is that people voted for the deal that the Prime Minister is now trying to represent as the will of the British people.

We are much better informed now about the implications of Brexit than was the case during the referendum. We also know more about the behaviour of the leave campaign, which casts a shadow over the result. I admire the Prime Minister’s stamina and do not envy her the impossible position she was bequeathed, but the reality is that her offer is the deal that does not deliver. She promised to make us stronger, but it will make us poorer. She promised to end free movement but expects us to vote without even having had sight of her immigration plans. She promised co-operation in the fight against crime and terrorism, while opting out of vital security arrangements. The answer to every question is the political declaration, which is a fudge—the very kind of fudge unacceptable to all those who want to leave. The reality is that we will continue to be subject to the European Court of Justice but lose our right to participate and have a say. We will also lose our access to the Schengen database.

This deal may give the illusion that we have left, but every leaver knows that Brexit does not mean Brexit under this deal, and every manufacturer and exporter must realise that this is not the frictionless trade they are seeking. It is a political declaration where the obligations have yet to be addressed—in other words, it is without guarantees, on jobs, exports, the arrangements for businesses beyond the transition period, higher education, research and health. It is a real pity the Prime Minister spent so little time trying to build bridges across this House and so much time trying to placate the extremists and shoring up the interests of her purchased Democratic Unionist party majority. We have reached the stage where we can have no deal, a very poor deal or a genuine review of what people really want. I am not going to vote for this deal, because it does not give any guarantees to my constituents. Leavers do not really leave and they will be poorer. Remainers end up as associate members of a partnership where they once had much better rights and deals, and they will end up paying and taking rules without getting anything like the same in return.

I think the Prime Minister ought to set up an all-party commission. Let those of us of good will who want to work together to see whether there is something we can salvage from this deal. We must stop telling people that this deal delivers where it does not. We must stop pretending that the referendum was some definitive judgment. We must stop pretending about the manifesto commitments. Let us try to get a deal, and then put that to the British people and let them decide.

5.44 pm

Colin Clark (Gordon) (Con): I rise to remind people that it was only two months ago that there was a debate on “Legislating for the Withdral Agreement”, when I
cited the then Secretary of State, my right hon. Friend the Member for Esher and Walton (Dominic Raab), and his ambition for “a smooth transition to a comprehensive future economic and security partnership for business and citizens”. It was admirable and convincing, and it recognised the 2016 referendum. That day, I argued that we should look for a free trade arrangement—perhaps Canada plus—because I believed that that was deliverable. The Prime Minister said that she was more ambitious than that, and we now have a different deal before us.

Industries in my Gordon seat have embraced Brexit. They have prepared for change and the solvable problems of Brexit, and they have done so in good faith. Today, we can consider supporting the withdrawal agreement, fundamentally because of good faith.

In the Treasury Committee hearing yesterday, I asked the Chancellor whether, had we prepared in 2016, we could have had regulatory and certification preparation in place for WTO rules. That, at least, would have given us a realistic backstop from which to negotiate.

The industries in my constituency—the oil and gas majors, which employ 280,000 people, plus farming, the food sector, tourism and the financial and service sectors—need us to behave like grown-ups. They need us to recognise that they need a deal that works for businesses and jobs.

The Bank of England has run comprehensive stress testing, which the Chancellor recognised earlier. The good news is that under every circumstance and every scenario, our financial system is safe and robust. As I said to the Chancellor earlier, in future negotiations we should be extremely robust with the EU.

The stress tests were not forecasts. I have heard many Opposition Members say how damaging Brexit will be to our GDP, but I would like to remind them why this country is the second highest destination for direct investment: it is among the top 10 freest markets in the world and it has a legal system and rule of law that mean that people want to be based here. In the first place. Instead of patiently assembling a cross-party scenario, our financial system is safe and robust. As I said to the Chancellor earlier, in future negotiations we should be extremely robust with the EU.

What are the upsides if we get an agreement with the EU? The foreign exchange has discounted the pound so significantly that we could see a currency bounce. The stock market is falling again today because of the concern about no deal. As a businessperson, I recognise that concern. There is pent up investment in the system of potentially hundreds of billions of pounds, because companies have held back.

Fundamentally, I can support this deal because I support the Brexit vote. Being a Scot, I was involved in another referendum. Opposition parties seem unwilling to recognise that the people have spoken. I believe, democratically, in what they have said.

Giles Watling: Does my hon. Friend agree that yet another referendum would cause greater degrees of pain, uncertainty and delay, when what we need to do is move on?

Colin Clark: My hon. Friend is absolutely right. That is particularly true in Scotland, where the SNP rejected the result of the independence referendum and said that it would call another. We do not need that uncertainty and we do not need our people back at one another’s throats; we need some sort of stability and to be able to move on.

Fundamentally, this comes down to good faith. In the words of the Attorney General: “This risk must be weighed against the political and economic imperative on both sides to reach an agreement”. I absolutely agree with that. We should not listen to the siren voices. Let us not cast ourselves on the rocks. We should be a confident country. Scotland and the whole Union demands better. The United Kingdom demands leadership, backbones and guts. Frankly, if people are faint-hearted, they should leave the stage. I will show good faith, but there will be an enormous price to pay if we are being duped. Let us win 4-3 and deliver Brexit. I will support the Government next Tuesday—not out of blind faith, but for the good of this country, the United Kingdom.

5.48 pm

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): It is an honour and a privilege to participate in such an historic debate. Given the time limit, I shall dive straight in.

What an utter disgrace it is that the Government tried to hold back from Parliament their legal advice on a decision of such magnitude. We now know why. On the backstop, the advice clearly shows that Northern Ireland has been sold out. The Government have lost the trust of not only the DUP, but the wider British public. They have reneged on their solemn promise. The House had to force Ministers to change their minds and release the legal opinion. What an utterly ridiculous situation.

This whole Brexit process has been blurred, botched and bungled from the very start. Has ever so much diplomatic and political capital been expended for so little result? With every passing day, with each resigning Minister and with each international snub and rebuff, it has become ever clearer that the Prime Minister and her team—I use the term lightly—are not up to the task.

Her negotiation tactics, as has been illustrated by many Members today, have been to appease the hardliners within her own party. I need hardly remind the House that the craven acquiescence on the part of her predecessor is the reason why we were landed in this entire mess in the first place. Instead of patiently assembling a cross-party coalition of support for her plan, the Prime Minister has created division and discord, the social and economic consequences of which will echo long after the votes have been counted. This issue has been exercising many in my constituency who are very, very anxious indeed. Since the publication of the agreement—up to yesterday evening—I have received scores of emails from Slough constituents. More than 94% implore me to vote against the Prime Minister’s deal, which is fairly emphatic.

I am a supporter of the EU and I wanted to remain in the EU. Now, I want us to have a very close and collaborative relationship with our neighbours. The world’s economy has never been more interconnected and more dynamic, which is why, as nation states, we must form alliances to ensure that we have a very strong and stable relationship going forward—hopefully a lot more strong and stable than this crumbling Government. Now, after
two years, we face a much more dangerous situation and, of course, it is a matter not just of macroeconomics and geopolitics, but for real families, real businesses and real working people.

When I meet business leaders in my Slough constituency, they tell me that businesses need a stable economic environment, a backdrop, but that this withdrawal agreement leaves businesses facing years of uncertainty. When I talk to trade unions in my Slough constituency, they tell me the same thing: the Government’s deal tears up decades of negotiated deals around workplace safety and conditions. Many Government Members opposed the European social charter in the first place and would happily see it scrapped. The Government’s own analysis shows that the economy will be 3.9% smaller. Many of us cannot afford a hard Brexit. I fully support the amendments that have been tabled. I cannot support the Government’s withdrawal agreement. The Government have failed spectacularly to deliver Brexit, which is why they must stand aside and hold a general election.

5.52 pm

Lee Rowley (North East Derbyshire) (Con): Mr Speaker, if you had said to me that, a year and a half after I was first elected, I would be standing in this place in order to rebel against my Government I would have been extremely surprised. It is testament to the problem that we have in front of us today and the gravity of the issues with which we are dealing that that is exactly what I intend to do on Tuesday.

We have a decision to make. There is too much calculation in this place—took much overthinking. We are obsessing about single commas when entire paragraphs do not work. This deal does not work from a trade perspective; it does not work from a law perspective; it does not work from a backstop perspective; and it does not work from a money perspective, and I cannot support it.

Like so many of my colleagues in this place today, I have nothing but admiration for what the Prime Minister has done over the past two and a half years to try to get us to this place today, but hard work is not an end point in itself, resilience is not an output and stamina is not a strategy. We must understand the proposition that is in front of us, and that proposition, in its current form, is very wanting.

One of my very close friends in this place, who is not here right at this moment, said to me a few days ago, “I did not come to this place to make my constituents poorer.” Neither did I, so we can both agree on that prospectus. But when we move all the facile, nonsensical debate about estimates out of the way, some of which has been touched on in a largely good-natured debate today, we are actually talking about what is good for our country in the long term—the next five, 10, 15 and 20 years.

I do not want to make my country poorer, but I know what will make it poorer: the inability to sign meaningful trade deals. It is the inability to be flexible and take advantage of the global growth outside the European Union. I know another way that my country will be poorer if this deal goes through. It will be poorer from a democratic perspective. I represent a constituency that voted 63% to leave, and I cannot go back to my constituents in Clay Cross, Killamarsh, Eckington and all the other villages that voted overwhelmingly to leave and say that this deal delivers Brexit. It does not.

I disagree with this deal. I disagree with it because of where we have come from, because it is a failure of negotiation. I disagree with it because of where we are, because it is a failure of nerve. I disagree with it because of where we are going: it is a failure of ambition. Stop this deal. Stop this discussion. Have confidence in our country, move us out from the shadow we are under and understand that we have a much brighter future if we want to grasp it.

5.56 pm

Dame Louise Ellman (Liverpool, Riverside) (Lab/Co-op): In June 2016, 73% of my Liverpool, Riverside constituents voted to remain—the European Union has been pivotal to Liverpool’s remarkable transformation—but many people across the country voted to leave, believing that it would make them better off. And now, two years on, it is clear that they were sold a false prospectus.

We are now urged to accept the deal in front of us, but beyond the transitional stage, there is no certainty. There is no deal. It is a political framework, urging the parties to work together in good faith. There is no certainty about frictionless trade, which is absolutely essential for just-in-time businesses and people being able to get the medicines they need at the time that they need them. There is no certainty that there will be any trade deal with the EU; there are no trade deals with the rest of the world agreed or anywhere near agreed; and there is a massive cut to financial services—a 6% hit—with effects for pensions and insurance. So what should we do?

Accepting this deal would be highly irresponsible. Leaving without a deal—the Government’s alternative—is inviting disaster. There could be more negotiation, without the Prime Minister’s red lines. If the House can agree a way forward, that could be explored, but it could be problematic and whatever solution is reached will be worse than the current deal we have as members of the European Union.

Alternatively, we could go back to the people and tell them the truth, which is that we cannot leave the club and keep all the benefits; that is mission impossible. We are told that people will be angry if they are asked for their opinion again. I think they will be angrier if we vote knowingly to make them poorer and they then face even more rising prices, fewer jobs and less money for public services. Surely we should give people the option to remain in the European Union with the knowledge that we now have. It is time for a referendum. It is time for a people’s vote. Let the people decide.

5.59 pm

Mr Simon Clarke (Middlesbrough South and East Cleveland) (Con): Reflecting on the recent debate in this House and in the country, I wish to open with the words of Sir Winston Churchill from 1934:

“All down the centuries, one peculiarity of the English people…has cost them dear. We have always thrown away after a victory the greater part of the advantages we gained in the struggle. The worst difficulties from which we suffer do not come from without. They come from within…from the mood of unwarrantable self-abasement into which we have been cast by a powerful section of our own intellectuals. They come from the acceptance of defeatist doctrines by a large proportion of our politicians… Nothing can save England if she will not save herself. If we lose faith in ourselves, in our capacity to guide and govern, if we lose our will to live, then indeed our story is told.”
Sadly, what has characterised these negotiations has been exactly that spirit. The Government have approached Europe as a supplicant, accepting a series of conditions that have led inexorably to this place. At the heart of that lies the backstop, but I will not rehearse arguments that have been well echoed this afternoon about why it simply does not work. Our own Ministers, the Irish Government and the EU have all made clear that under no circumstances will there be a hard border in Ireland. If this is a prison, it is one into which we will lock ourselves if we sign up to this deal.

Despite the Government’s best efforts to convince us otherwise, the EU clearly wants us in the backstop—why wouldn’t it? It would have total control of our trade and customs policy; it would have our £39 billion. It would have total control of our trade and third countries. That must be rejected. It may be that our doing so will finally prove to the European Union that, as the Prime Minister long insisted, no deal is better than a bad deal. I continue to believe there is a better deal to be done, but we must face the possibility that that may not be possible.

In such a case, I am clear that we should leave on 29 March next year on World Trade Organisation terms, in accordance with the European Union (Withdrawal) Act 2018. I do not say that lightly. It will require courage and resolution, as well as a dynamic policy response that should include exciting ideas such as free ports. For reasons that are bewildering to me, the Government have failed to initiate serious preparations for that scenario when there was good time to do so. That was not due to negligence; rather it was a conscious policy lest—God forbid!—the Europeans understood from our making such preparations that we really were resolved to leave in earnest. That has been a lamentable failure and must change now, for every day is of value.

That must be accompanied by a wider change of policy. If the deal is rejected by the House, as I hope it will be, the ghosts of “Project Fear” must be exorcised. They have offered bad counsel for far too long, seeking always to reduce the path of negotiation to a minimalist and apologetic legal separation, rather than a great nation setting forth into the world.

My final words are to those colleagues who seek to prevent a clean Brexit through amendments tabled to that effect. I say simply that they should think well upon it, because without a clean Brexit we truly would be hostages to fortune, choosing only between the Scylla of a bad deal and the Charybdis of a second referendum, and that latter scenario would do untold damage to people’s faith in democracy. People in forgotten parts of Middleborough and East Cleveland voted to leave. They still want to leave, and they want to leave properly, preferably with a good deal agreed in honour, but if necessary, by trusting in our strengths, and with resolve to succeed as a global free-trading powerhouse.

6.3 pm

Susan Elan Jones (Clwyd South) (Lab): It is a great pleasure to follow hon. Members in this debate, and like many of my constituents I am extremely worried about what has developed. We are all practically certain that the Prime Minister will not get her deal through next week unless something quite extraordinary happens, and I am aware that when I vote against that deal, I will vote against it with some who are doing so for very different reasons. I have no truck with the ghosts of Brexit Secretaries and Foreign Secretaries past who act as commentators and who, despite the sunny uplands of which they speak, refuse to accept that where we are now has anything to do with them. As I vote, I will have no sympathies for them whatsoever.

Today’s debate is on the economy, and I believe that our economy and jobs must come first. I have had many emails, letters and phone calls from constituents, and they are worried. I, too, am worried, because according to the Government’s economic forecasts, the UK economy will suffer under all forms of Brexit. When a body as prestigious as the National Institute of Economic and Social Research tells us that the Prime Minister’s deal, versus staying in the EU, would leave UK domestic product falling by £100 billion annually, that is a concern.

To those who think that such projections are no more accurate than reading tea leaves, let us go on to some real figures. The economy is down from being the fastest growing in the G7 in 2015 to among the slowest now, with only Italy slower. When Julian Jessop, the pro-Brexit chief economist of the Institute of Economic Affairs, admits that the UK economy has probably grown more slowly due to additional inflation prompted by sterling’s fall, that concerns me, too. It also worries me when the TUC rightly makes the point that, with the PM’s deal, even during the transition period, workers would see a reduction in their rights: the UK Government have suggested that new rights with an implementation period after the transition would not be brought forward in UK law.

My constituents and I are concerned. As Carwyn Jones, Wales’s First Minister, has rightly noted, Wales receives £600 million a year from the EU and we export 60% of our goods to the EU. I am very concerned and cannot support a deal that would make my constituency of Clwyd South in north Wales, Wales and the UK poorer. In the words of the former Universities Minister who resigned from the Government on this issue, “the brutal negotiations we will go through will make us poorer and less secure”.

I believe that the Chancellor is right about one thing: all this has left us a very divided nation. In my postbag, I hear from people who voted leave and who voted remain in 2016. To be honest, I cannot represent all of them adequately. So I will say this. There are 55,000-plus people of voting age in my constituency. On Tuesday, I will have the right to take part in a meaningful vote. I would like each of my 55,000-plus voters to have the same right in a people’s vote. I want that not just for the constituencies of Clwyd South, but for every single voter across Wales and the UK. Let them all have a meaningful vote now that we have a meaningful proposition. Let the people’s voice be heard. If we cannot get a general election, that must be our course of action.

6.7 pm

Richard Graham (Gloucester) (Con): I want to argue for the inevitability of imperfection, the lack of credible alternatives, the value of compromise and, above all, the benefits of safeguarding the interests of our constituents.
Let me start with the deal and its imperfections, many of which have been listed by colleagues around the House. Above all, there are concerns that the backstop arrangement to prevent a hard border on Northern Ireland could lead us into an indefinite purgatory of neither in nor out, with rules from the EU governing aspects of trade between Great Britain and Northern Ireland. If the Government can give further reassurance on that point, many colleagues on both sides of the House will clearly be relieved.

But the deal does something else: it balances honouring the result of the referendum, looking after citizens and their rights and not damaging business, jobs or the security of our nation. For those of us who voted to remain—because, as I wrote at the time, the short-term risks outweighed the potential longer-term benefits—and those who voted to leave, to bring back control, the deal mitigates the risks, gives certainty to people, trade and security, and allows us the chance to shape opportunities that may come forward in the next stage of the negotiations on detailed trade and customs arrangements.

For my constituency of Gloucester, with our engineering and manufacturing heritage, aerospace and nuclear interests, our growing cyber sector and the contribution made by our academics and health specialists from the European Union, this compromise may not look heroic, but it is practical.

Let me make three other key points. The first is that flaws in negotiations are as inevitable as the weathered stonework on Gloucester cathedral. As Churchill said, “democracy is the worst form of Government except for all those other forms that have been tried from time to time”.—[Official Report, 11 November 1947; Vol. 444, c. 207.]

So it is with this deal. Those who criticise the deal because it does not satisfy them, either because it does not have a close enough relationship with the EU or is not distant enough from the EU, are effectively offering one of three alternatives: no deal plus WTO, a Labour renegotiation, Norway-plus, or a second referendum.

Let me brush aside, I am afraid, the concept of a Labour renegotiation, as this comes from the party whose only position has been not to have a position—resolute only to be irresolute. On a second referendum, this would be the only genuine betrayal of the promise made to every household before the referendum: “What you decide, we will implement.” On Norway-plus, however defined, which could become a place of refuge if this deal were rejected, the House should be in no doubt—it is not a good deal. We would pay a lot to be a rule taker and never have an independent trade policy.

For those of my colleagues representing seats from Uxbridge to North East Derbyshire who rail against the deal, the challenge is this: show me your better deal, and never have an independent trade policy.

Our constituents want to see this deal done. They want us to move on and get back to what they want to focus on: better care, less knife crime, easier transport, good broadband and excellent public services. In the civil war—

Mr Speaker: Order.

6.11 pm

Sarah Jones (Croydon Central) (Lab): Following on from the hon. Member for Gloucester (Richard Graham), and at this late stage, having sat here for many hours waiting to be called, I cannot help but be reminded of Oliver Cromwell’s words on dissolving the Long Parliament:

“You have sat too long here for any good you have been doing.”

Nevertheless, we carry on.

For MPs like me who joined this House in 2017, there has always been the backdrop of Brexit and the one great matter that lay ahead after the referendum: how to respect the result in a way that does not trash the economy but does bring the country back together again—that unites our nation as it was so memorably in 2012, when the world admired our Olympics and we all glowed with pride at what we had done and the country that we had become. That feels like another century, not six years ago.

That is all because the Prime Minister has squandered every chance she had to make a Brexit that brought us together again. She came to power, let us face it, on a wave of good will because she stepped up when others did not—but that has now evaporated. In Croydon Central, hundreds of people have sought me out to tell me their views, and just 6% of them support her deal. Meanwhile, the burning injustices that fired up many leave voters still burn, hotter than ever. This is a deal that the Government know will make us less well off, yet they have ploughed on regardless. Parliament itself has been ignored and infantilised during this process. Appearances at the Dispatch Box or in Select Committee have been used as a kind of parliamentary Calpol to keep the babies quiet. This is all on her. She promised too much, prevaricated too often and listened too little. If it was up to the Prime Minister, we would not even be here having this debate and holding the Executive to account, but that is what we are here to do.

We have a national picture of stagnating growth and tumbling investment. What this Government have done, and what this deal will carry through, is to hollow out the drivers of a strong economy. A strong economy needs to be incubated in certainty. This Government have overseen a £22 billion drop in business investment compared with pre-Brexit trends because of their chaotic negotiations, and this deal simply offers more uncertainty.

A strong economy needs world-class infrastructure to rebalance growth and stop our busiest cities grinding to a halt. This Government have not tackled any of the problems of failing rail companies and suchlike, and this deal threatens future infrastructure funding and delivery. A strong economy needs people with the right skills and education. This Government have cut billions from schools and colleges, and this deal jeopardises important programmes like Horizon 2020 and Erasmus. A deal that resolved those issues is one I could happily support, but I cannot support a leap into the dark for my community and my local economy.

Our first priority must be to drive a stake through the heart of any notion of choosing a no-deal Brexit. The 15,000 businesses in Croydon are terrified of no deal, and we cannot shrug off plans to commandeer ferries, stockpile medicines and put the Army on the streets. Parliament must now step up. The Executive need our guidance, even if they will not ask for it. Our economy will be defined for decades to come by the decisions we make in the coming days. We can move towards the certainty that our economy needs to attract investment...
and be a global player, and towards a closer, more stable relationship that keeps standards and rights high and our sights higher. We start by voting down this deal.

6.15 pm

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): I rise to speak as someone who lived and worked in Brussels, in the EU bubble; whose wife and, by virtue, nieces are EU nationals; who voted remain in June 2016; and who represents a constituency that voted convincingly to remain in the European Union.

For quite a long time post the referendum, I wrestled with my conscience over whether supporting the Government’s decision to pursue Brexit was the right one and true to what I believed. Let me be clear: I never for one moment doubted that this country could survive and thrive outwith the European club. This is the fifth largest economy in the world. We are an enterprising, dynamic, inventive and confident nation—a Union of nations of near unparalleled continuing strength and influence, with interests and allies far beyond this continent. The point I wrestled with was why it should have to remain in the European Union.

The simple fact that I came to realise pretty early on, which must be remembered by those who argue for another referendum or for Brexit to be halted in some way, is that the decision was taken in a people’s vote—the biggest democratic exercise in the history of this country. The decision of the British people, whom we are all elected to serve, was to leave the European Union.

I understand how many of my colleagues feel, especially on the Government Benches, and I know that many of my closest friends and colleagues are struggling to come to a decision on how to vote next Tuesday. They are wrestling with their consciences, as I did, and I know they are doing so to come to a decision that they believe will be in the national interest.

It was John F. Kennedy who said:

“a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.”

The people judged—the people voted—and now we must honour the result of that judgment and leave the European Union. It is up to us to implement that decision, and our duty is to do so in a way that is supportive of business and will cause as little upset to the economy as possible.

As the Member of Parliament for West Aberdeenshire and Kincardine—as a Scottish MP—I back the agreement brokered between Her Majesty’s Government and the European Commission. I do not do so lightly. I do so because I believe that it is the best outcome for business, for my constituents and for Scotland. I do so not because it is an easy choice, but because I believe it is the right one and in the national interest.

This deal is supported by the National Farmers Union of Scotland, the Scotch Whisky Association, the Scottish Chambers of Commerce, the CBI Scotland, the Scotch Fishermen’s Federation—which knows a little bit more about fishing than some Opposition Members—and Sir Ian Wood, who said:

“I frankly think we do need to move ahead—it’s what you hear most business people saying... I think the proposal that’s on the table...is workable. I think it is better than we have—we’re out of Common Market membership, but we’re maintaining some of the advantages.”

It would be a great dereliction of duty on my part if I did not listen to those voices.

Richard Graham: My hon. Friend is making a powerful case. Does he agree that representatives of different sectors in Northern Ireland—whether the retail industry, manufacturing or services—have also been very supportive of this deal, and that should be taken into account?

Andrew Bowie: I thank my hon. Friend for his intervention. I recognise that point. However, I do not think it is incumbent on me to speak on behalf of Northern Ireland; I will leave that up to Members elected to this place from Northern Ireland. I am speaking on behalf of my constituents and what I think is in Scotland’s best interests.

Scottish MPs have a duty to do what is in the best interests of the Scottish people and the Scottish economy. I say to my colleagues from Scotland on both sides of the House that it is now time to stand up and be counted. For the sake of our economy and this country, we have to back this deal, back the Government and move on together as we continue to build a Britain that is united, stronger and genuinely fit for the future.

6.19 pm

Christian Matheson (City of Chester) (Lab): I was elected to activate article 50 because I wanted to respect the result of the referendum. After that, my responsibility is to secure what I believe to be the best outcome for the United Kingdom and my constituents. However, I must say that the more I hear about not just the lying in the referendum, but the manipulation of data and the cheating—and now allegations of foreign involvement—the less I respect it.

We hear that the Prime Minister is deserving of our respect for negotiating the deal and the continual promoting of it in the face of certain defeat. Again, for me, there is nothing to be respected about knowingly and deliberately driving the country off the edge of a cliff. On the Government’s own assessments, this deal will make the UK worse off and our people less prosperous and less secure. I cannot praise the Prime Minister for what amounts to a kamikaze approach in the face of clear evidence of impending economic damage—particularly to our manufacturing sector, with the lack of certainty over the hopes of frictionless trade.

From the outset, the Prime Minister has muddled and misrepresented. When she called the snap general election in 2017, she stated that the country was united, but Parliament was divided. She was entirely wrong: the country is more divided than ever under her leadership. After the general election, she might have reached out across the House to find support for the least damaging form of Brexit, although every form of Brexit is damaging. Instead, she chose to tack to the hard right and seek the sole approval of her own Brexit fundamentalists in the ERG. Yet these extremists will never be and have never been satisfied. They can never be thrown enough red meat, as John Major himself discovered.
This left the Prime Minister high and dry, clothed solely in the meaningless soundbites and slogans that have been the hallmark of this process. Indeed, I remain unsure about the point at which her slogan “No deal is better than a bad deal” morphed into “A bad deal is better than no deal”. A bad deal is what we have now. It makes us follow rules without having a say on those rules. Again, I am tempted to say that that would always have been the case if we were going to leave the EU, but still wanted to trade into that market while meeting the standards that that market demands.

There is no solution in the agreement to the question of the Irish border, largely because there is no solution possible that respects the Good Friday agreement aside from the UK remaining in the EU. We are told that technology will provide a solution, but as usual this is an empty soundbite. There is no technology available now, and no clue about what it will look like in the future. Technology may one day find us a cure for cancer, but that is no reason for me to start smoking now. Hon. Members will need to decide which is more important to them—the continuing peace in Northern Ireland and maintaining the integrity of the United Kingdom, or leaving the European Union—because, certainly under this deal, we cannot have both. Business sectors have publicly stated their support for the Prime Minister’s deal, although leaked CBI emails demonstrate their true feelings, but all this deal will offer is two years of stability, during which they could up sticks and move to another part of the European Union.

Therefore, we must reject the false choice of the Prime Minister’s deal or no deal and start to chart our own route away from the ideological choice of Brexit. This is a simple one: do we want to be aligned with Europe, with its basic decent standards on food safety, consumer protection and rights at work, or do we try instead to align ourselves with deregulated, privatised Trumpist America? That is a simple choice and those are the only two options on the table.

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): Nonsense!

Christian Matheson: It is absolutely the case and I will not take any heckling from the right hon. Gentleman.

We need to address concerns about free movement and the exploitation of migrant labour by bad employers, but there should still be an option to remain within the European Union and negotiate a much better deal than David Cameron would ever have come back with.

6.23 pm

Vicky Ford (Chelmsford) (Con): I have seen the EU at first hand, with its bureaucratic, one-size-fits-all approach that can make it feel so out of touch. If those other EU leaders had shown more empathy for David Cameron in his negotiation, perhaps we would not be where we are today. However, I have also seen the EU doing good. I helped to negotiate the changes we needed to international banking law after the financial crisis, the changes we needed to international gun laws after those terrible Paris attacks and the massive fund for science and research, and I even helped to end mobile roaming charges.

I campaigned for remain in 58 Westminster constituencies, in 40 public meetings, in radio and TV debates and in six counties, so I think I remember what people were told. People were told their vote mattered and the result would be respected, and we should respect that vote. A second referendum is not the way forward. I think it would be even more divisive and no more decisive.

I gave three reasons for voting remain: the single market, security and science. The EU is our largest trading partner and many people’s jobs depend on that trade with the single market. New trade deals with other countries will help, but leaving the EU with no deal poses a huge risk. Every time I said that, the leave side said, “Don’t worry.” They promised we would “get a deal” because “the Germans want to sell us their cars.” When people voted to leave, they were told they would not be voting for a no-deal Brexit. The withdrawal agreement helps real businesses to avoid real cliff edges and gives time to finalise the trade deal. The future framework offers the potential for the deepest trade deal that the EU has ever offered and the deepest partnership on security. As for our scientists, it allows them to continue to participate in the international networks they need.

Some colleagues say we should opt for other models, but Norway leaves us a rule taker on services as well as goods, and the EU and the UK often have different priorities on services. Norway means delegating regulation of financial services to the EU. It hands over the keys of the Bank of England to Brussels. It does not work for the UK unless an alternative option for financial services is given. A Canada version would result in borders and would not provide the frictionless trade our advanced manufacturing sectors need.

Then, of course, there is the plan from the Labour party: a “close” deal with the single market, but without the competition laws or state aid rules. I am a Harry Potter fan, but the plan promised by the Labour party is fantasy fiction unicorn land.

I grew up in Northern Ireland. I am a Unionist. There are concerns about the backstop becoming permanent. To me, however, that is a legal risk. It is not a practical risk. A permanent backstop is not in the EU’s interests and it would be challenged in the European courts. I know other European leaders are watching this debate closely and I hope they are considering what more they could do to help to address this concern.

There are three options: this deal, no deal or no Brexit. Because of the lives and livelihoods of my constituents I was chosen to represent, I will be supporting the Prime Minister’s deal.

6.27 pm

Jim McMahon (Oldham West and Royton) (Lab/Co-op): It has been a real privilege to hear the contributions by MPs today. We have got a real sense of just how different the issues are in each of our constituencies, just how varied our nation is and, in some cases, how divided our nation is. What there is absolutely unity on in this place is that this deal is nowhere near good enough. It is certainly not a deal that I am going to vote for when I am casting a vote for the people who live in Oldham West and Royton. That is not why I have been sent here. I have been sent here to try to secure the best possible economic and social advantage for the people I represent and live among in my community.

I have to say that throughout the negotiations no effort has been made to reach across and create a consensus—not necessarily about the future relationship
with Europe, although that is important, but to address the underlying tensions that led people to vote leave in the first place. Those include the mass deindustrialisation that left many communities without the decent, well-paid and secure jobs to provide a future for themselves and their families; and the hollowing out of public services that has meant people have been left with 1% of the cake and are now fighting for the crumbs among increased competition. They cannot get a decent house. They are fearful of the education in the local schools. They cannot get access to the local GP or hospital. Why? Not because of Europe, but because of deliberate, targeted choices by the Tory Government who then wonder why they lost the EU referendum. That was a shock. That is why, in the document published by the Government that was sent to every house, there was no mention of what an alternative deal would be. There was lots of concern and caution applied, but no alternative was offered.

Another thing missing in that document was a single mention of Northern Ireland—not a single mention of Northern Ireland in the official booklet that went to every household in this country. Let us be honest: had it not been for the foolish calling of a general election in 2017, we would not even be discussing Northern Ireland today. It would be an afterthought. The only reason it is important now is that the Tories need the Democratic Unionist party to secure them in government—and that has now completely fallen apart. Thank God for the people of Ireland—both the Republic and the north of Ireland. We are now discussing this. We have seen such a cavalier approach to that hard-won peace in Northern Ireland for every community who lives there. It seems to be like a token that can be traded away, as if it is not important. I really wonder what condition this Parliament is in if it is so willing to cast aside those legitimate issues.

When I speak to people in Oldham about the things that matter to them, they want to know what the future holds for their communities and families. Is that not the cruelty of Brexit so far? At a time when we needed leadership and for the Prime Minister and the Government to say, “This is what Britain can be,” there has been nothing but absolute soundbites. Who has it been left to? Nigel Farage, Boris Johnson and Jacob Rees-Mogg, claiming to be the voice of the working class. How ridiculous is that? The only time you see them lot on an estate is when there are hunting rights at stake. Meanwhile, communities are being left and exploited and they will be exploited again unless this Parliament gets a grip.

I voted to trigger article 50 because I respected the referendum, but the way that this has been handled has been a national disgrace. The Prime Minister will lose this vote. She has not been able to unify this House, so what lessons can be learnt? The first, fundamental lesson is, “Don’t divide, but unite. Reach across the Chamber and secure a better deal.” I believe that there is a better deal, but I tell you what: it requires better negotiation than we have seen so far.

Karen Lee (Lincoln) (Lab): My constituency of Lincoln voted to leave the EU, while I voted to remain, but we are united in fighting for a better future for Lincoln outside the EU. I sincerely believe that there is a Brexit deal that will benefit my constituents and Lincoln’s business and tourist communities—a deal that protects jobs, the economy and our rights. We need a transitional period based on the same basic rights that we have now—a single market and a customs union with the EU—but to ensure that we have a sustainable, prosperous economic future, we must negotiate a new comprehensive UK-EU customs union to ensure that we have no tariffs with Europe and that we have control of any new trade deals.

That will benefit the manufacturing industry, which is central to Lincolnshire’s economy. Local companies need a frictionless trade deal to maintain supply chains and have access to the European markets. However, the Prime Minister’s proposed agreement attempts to ensure that trade is “as frictionless as possible” and the Government’s own forecasts suggest that the value added to the economy by the manufacturing industry will be reduced by as much as 2% under the current deal, and a no-deal scenario may decimate the sector by 12%.

For those working in Lincoln’s manufacturing industry, we must guarantee that our country does not fall behind the EU in workers’ rights, or in protections for consumers and the environment—we do not hear a lot on that from Government Members. This deal will not protect jobs, workplace rights or environmental standards, and it will inhibit businesses by failing to ensure frictionless trade or any certainty about our future relationship with the EU. The political declaration does nothing to ensure market stability or to encourage increased investment in the UK. The longer that this instability continues, the more likely businesses are to leave the UK. We have the Bank of England telling us that the Prime Minister’s plan will see the economy shrink by 3.75%, compared with the pre-referendum trend, and the National Institute of Economic and Social Research telling us that the deal could lead to our GDP losing 3.9% of growth, which equates to around £100 billion in 2016 prices—money that could be much better spent on our devastated public services.

I am very proud to represent Lincoln today, a place that was close-fought in the referendum but chose to leave. Prior to deciding how to vote, I surveyed my casework to assess what Lincoln thinks about the PM’s deal. A very large majority—both remain and leave voters—have asked me to vote down the deal, acknowledging that there are alternatives before we meet the no-deal cliff edge. We can renegotiate with the EU, or better still, hold a general election. Many of my constituents acknowledge that a successful Brexit is contingent on replacing this shambolic Government.

The Prime Minister has spent the last two and a half years trying to solve the squabbles within her party, instead of focusing on trying to get a good deal for this country. That is why, at such a late stage in negotiations, we have such a poor deal in front of us. It simply is not good enough and this country deserves better. If the Prime Minister simply cannot deliver better, she should stand aside and make way for a party that will.

6.35 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): The Prime Minister says that it is her deal, no deal, or no Brexit. In response, my constituents are saying resoundingly and overwhelmingly, “No Brexit!”
If there were not already an institution like the European Union, we would be desperately trying to create one. Given that the EU is rooted in the aftermath of the bloodiest war the world has ever fought and forged through a decades-long cold war, it is extraordinary to witness now the extent of the co-operation and the wealth creation between nations which, within living memory, were hellbent on destroying each other.

Such an international and supranational institution, built on a framework of human rights, democracy and the rule of law, is essential for the times in which we live. Supranational issues such as climate change, terrorism and extremism, Russian influence and the challenges of globalisation require a supranational response. We can maximise our potential in trade, research, education and science, and harness the benefits of globalisation much more expansively through membership and co-operation than by acting alone. This is about independent nation states not giving up but pooling their sovereignty and powers for the greater benefit of all.

The tragedy is that in the UK, the EU has instead been used as a scapegoat for all our ills and as a soft political punchbag, from the time when Harold Wilson claimed to save Britain from “Euroloaf” and “Eurobeer” to the present time, when the former Foreign Secretary, the right hon. Member for Uxbridge and South Ruislip (Boris Johnson), talks nonsense about bananas and hoovers. Of course the EU is not perfect, but ultimately—perhaps with the exception of Presidents Trump and Putin—few would fail to accept that its existence is a wonderful thing, and a good thing for the UK as well. If we think that the existence of the EU is in the UK’s interests—and I think everyone would agree that it is—it strikes me as almost a dereliction of duty to say, “We are not going to be involved any more.”

What this boils down to is that every single Brexit scenario, including the Prime Minister’s deal, will leave us worse off than remaining in the EU: worse off materially, but also worse off in terms of opportunity, security and influence. I will not vote for a deal that would deprive my constituents, and future generations, of the same benefits and opportunities that my generation has enjoyed. The Prime Minister said that her deal “ends free movement once and for all.”—[Official Report, 22 November 2018; Vol. 649, c. 1096.]

If that is the best thing that she can say about it, it is a rotten deal.

As my hon. Friends have pointed out in recent days, what Brexit has also done is again flag up the hopelessly lopsided nature of the United Kingdom, which will always and inevitably be dominated by its biggest constituent part. It has highlighted a stark contrast. A small independent country such as Ireland can command genuine support and consideration at the heart of the much larger group of EU nations. While Scotland has been sidelined, Ireland has been front and centre. I dearly hope that the UK will step back from the brink of the disaster that is Brexit, but the very fact that we have even come this close shows to me, as never before, why Scotland should forge its own future as an independent nation state within the European Union.

6.37 pm

Stephen Kinnock (Aberavon) (Lab): It is a pleasure to follow the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald).

It is clear that the Prime Minister’s deal is dead in the water, so it is imperative that we now turn our thoughts to the alternatives. In doing so, we must ask ourselves a very simple but vital question: did the 52:48 mandate actually instruct the House to do? The answer to that question is clear: it was a call for Britain to leave the EU’s political institutions and projects, while maintaining the closest possible economic relationship with the 500 million consumers on our doorstep. It was an instruction to move house, but to stay in the same neighbourhood. So the fundamental question is this: how do we convert that mandate into practice?

Well, first we must seek a general election, but if that is not possible, we must pivot immediately to Norway plus. Many people refer to Norway plus as a plan B, but for me it has always been plan A. For two years, I have been making the case for the one EEA-based Brexit, because I believe passionately that it offers an exciting future. It would enable us to be a leading light in a group of like-minded European countries that sit outside the political institutions of the EU, but enjoy full participation in the single market. It would also enable us to reimagine and reinvent our relationship with Europe.

European leaders are now recognising the limitations of the EU’s one-size-fits-all approach to integration. President Macron in particular is a strong supporter of the concept of a multi-tier Europe that better reflects the different histories, cultures and political temperaments of its component parts. Importantly, Norway’s Prime Minister and Iceland’s Foreign Minister have both now confirmed that they would welcome us into the EEA, while Michel Barnier has made it clear that, from the outset, the EEA plus a form of customs union was always on the table.

Some are concerned about our ability to control immigration in the EEA, but articles 112 and 113 of the EEA agreement enable any EEA country to suspend and reform any one of the four freedoms that underpin the single market. Yes, the EU could take retaliatory measures, but such actions would have to be both proportionate and in accordance with the original legislation. Norway plus would also solve the Irish border issue, because single market plus customs union delivers frictionless trade and is therefore currently the only realistic guarantor of the Good Friday agreement.

My party’s Front-Bench amendment calls for a permanent customs union and a “strong single market deal”. That sounds like Norway plus to me. If our six tests and Front-Bench amendment clearly set out the what, Norway plus provides the how. If our Front Bench were to adopt Norway plus, it would become the flesh on the bones of Labour’s Brexit policy, because it is the only plan that offers the certainty, clarity and security of leaving the EU via a well established, well understood and fully ratified international treaty. By committing to Norway plus, we would be underlining the fact that we are not only an Opposition, but we are a Government in waiting, with a constructive, realistic and workable proposal that is truly in the national interest, that can clearly command a cross-party majority in this House and that can dig us out of this constitutional crisis.

Our country is not only polarised; it is paralysed. Communities and families are divided, and Parliament has fought itself to a standstill. As politicians, we desperately need to start building bridges. Having campaigned for remain, I can see the attraction of a people’s vote, but
I can also see the risks. What would it say about our fragile parliamentary democracy if we just threw this back to the public? Call me old-fashioned, but I still believe passionately in parliamentary sovereignty. Our constituents are crying out for us to do the job and solve this problem. A Norway plus-based Brexit would be a strong compromise in the national interest, and it is only by compromising that we will get ourselves out of this mess. It is only by doing this that we can reunite our deeply divided country.

6.41 pm

Ronnie Cowan (Inverclyde) (SNP): The famous Greenockian Chic Murray told this story: “I woke up this morning when my alarm bell rang. I switched it off and went back to sleep. Then my doorbell rang; I got up, went to the door, there was nobody there. I crawled back into my bed, I was falling asleep, and my telephone rang. And I said to myself, ‘This is one of those days when everything is going to go wrang.’” [Laughter.] Hansard will show that laughter rang around the Chamber unconstrained.

Ladies and gentleman, Brexit: the day when everything goes wrang. That is what many people fear. Over the last two years a number of local companies have written to me expressing their concerns; over the last two weeks the quantity of these emails has increased alarmingly. Businesses and organisations are now acutely aware that with only 113 days to go they are still being asked to plan for the unknown.

I have heard the term “just in time” thrown around this Chamber with great gusto, but I honestly wonder how well it is understood within the Cabinet. If a manufacturer or producer is operating a just-in-time process, they are doing so to streamline production. They do not want large stocks of components or ingredients; they want to receipt it into production, consume it, and move on. They do not want to have to stockpile inventory; that would tie up cash, and in business cash flow is crucial—just ask Carillion. Given that they currently run just in time, they do not have the required storage space, especially if that involves refrigeration units, and their computer systems are not configured to handle transactions from non-existent warehouses.

When commerce became aware of the potential issues of the turning of the new millennium, many businesses spent large sums of money and undertook comprehensive changes to avert disaster. I repeat: there are 113 days to go and we still do not have a plan. We have a range of outcomes, but nobody can write an effective IT system if the design is constantly changing. As we have heard this evening, these concerns seep into travel, transport, medicine, education—and the list goes on.

Brexit has challenged this Parliament and this Government to be innovative, courageous, responsible and entrepreneurial, and they have failed, failed, failed and failed again. Brexit has shown that this Parliament and Government are not fit for purpose, and just maybe that is a lesson we will take from Brexit.

In Scotland, we draw strength from the knowledge that we can do something about it. We can create our own future free from the incompetence, conceit and chaos of Westminster, yet every time we ask about Scotland’s priorities, options and unique opportunities and how they can be protected, we receive the same stock answer: the people of Scotland voted no in 2014. This translates as, “Scotland has forfeited all right to its needs to be recognised as a sovereign nation.” This Parliament should be careful with its language, because when we say “taking back control”, we mean it.

Kate Green (Stretford and Urmston) (Lab): This deal fails on so many counts. It does not give us back control; it does not give clarity and certainty; and it will do nothing to heal the divisions that so many hon. Members have talked of and that now pertain in our country. I find it particularly ironic that we are being told that one of the virtues of the deal is the certainty it will give to business. It does no such thing. After the transition period, the political declaration’s vagueness means that business can be no more certain than it is now. In my constituency, which is home to the first and, I think, still the largest industrial park in Europe, this is a matter of the utmost importance.

Businesses in Trafford Park span a vast range of industry sectors, all of which will be affected by the way in which the country leaves the European Union. They include sectors such as food processing, chemicals, paint, fire resistant product manufacture, furniture making, printing, service industries and logistics. This deal gives those businesses no guarantees on frictionless trade and no idea of what the long-term customs and tariff arrangements will look like. Those businesses have no idea of the long-term regulatory regimes that they will participate in, and they have no certainty about their access to European labour. It is quite disgraceful that, just days before we are required to vote on this deal, we have still had no sight of an immigration Bill or an immigration White Paper. The lack of access to labour in industry sectors such as food processing, construction, social care, hospitality and retail, all of which are crucial to my constituency and those of many other hon. Members, leaves a gaping hole that makes it impossible for us to vote for this blind Brexit.

I am fearful that this deal will not only compromise our prosperity and security but diminish our standing and influence on the world stage. It is incumbent on us to find something better, and something better cannot be no deal. That would take us down a black hole of no security arrangements, no trading arrangements with our nearest neighbours and no capacity to deal with the challenges that we face on a global basis, including climate change, conflict and population movement. Parliament can now try to find common ground and a deal that we can all agree on, but the evidence is that Parliament, like the country, is now hopelessly divided.

An election delivering a new Government with a new will to negotiate a deal that benefits the whole country is something that I look forward to and welcome, but I say gently to those on my own Front Bench that if we are in government and negotiating a deal, we will have to be realistic about the compromises that will need to be made if we are to continue to benefit from a relationship with our European neighbours that works. If nobody in this place can draw up a satisfactory deal, which looks increasingly probable, it, too, after a long period of soul-searching and as a fundamental believer in parliamentary democracy, believe that we will have to return the decision to the country.
Helen Hayes (Dulwich and West Norwood) (Lab): In June 2016, my constituents voted overwhelmingly to remain in the European Union. The vast majority of them were devastated by the referendum result, and there has been no subsequent reduction in the level of engagement from my constituents on Brexit, nor their palpable distress and concern. I made a firm commitment to represent the views of my constituents on Brexit, and their views are clear. Overwhelmingly, my constituents do not want the UK to leave the European Union, and I will continue to put that view on record for as long as this process continues.

Although passionate in their beliefs, my constituents also understand the catastrophic risks that a no-deal Brexit presents for our economy and security and are clear that it must not be allowed to happen. Many have watched closely the approach taken by the Government in their negotiations with the European Union, hoping that they would negotiate thoughtfully in the national interest, intent on bringing together a nation divided by a close referendum result. They have looked carefully for signs that the Government were working for a Brexit deal that demonstrated that Ministers had listened to and reflected on their concerns—albeit in the wider context of sound money that they wished was not happening at all. Two years on, however, it is clear that the Prime Minister has failed catastrophically in her Brexit negotiations. It is also clear that the seeds of that failure were sown at the very beginning in the speech that she made in Downing Street in which she declared that “Brexit means Brexit.” Brexit was not clearly defined at the time, but that vacuous statement allowed the Conservative hard Brexiteers to move in and claim the definition for themselves.

Soon afterwards, with the Prime Minister setting out her red lines, it became clear that the she was allowing the hard Brexiteers to go completely unchecked and to have a role and influence that was grossly disproportionate to the views of the country as a whole. Instead of establishing a set of principles and objectives for the negotiation that sought to build unity in a country split down the middle by Brexit, and instead of being able to see that this process would have implications for the UK that transcended party politics, the Prime Minister sought only to appease the extremists within her own party who hate the European Union far more than they are concerned about the potentially devastating economic consequences for communities up and down the country of leaving it.

The Prime Minister’s approach to Brexit also failed to acknowledge that the wider global context has changed since the referendum—not least with the election of Donald Trump as President of America. The reality of a volatile, inconsistent, protectionist US President is a de facto weakening of any hypothetical opportunity to benefit from a new trade deal with the US. Any trade deal with the US already ran the risk of being a race to the bottom on environmental protections and workers’ rights, but the Trump presidency introduces further risks that could not have been imagined, still less debated, in June 2016. The importance of our trading relationship with Europe has therefore strengthened, not diminished, over the past two years.

The Prime Minister’s deal is also fundamentally unstable. It is her deal and hers alone. The Henry VIII powers established by the European Union (Withdrawal) Act 2018 allow the Government to make fundamental changes to the legislation that we currently derive from the EU, so there is every risk that the Prime Minister could quickly be replaced by a hard Brexiteer who would undermine the deal by the back door to deliver a much harder Brexit. I cannot vote for a deal that has such as strong risk of paving the way to an even more damaging hard Brexit. If the Prime Minister’s deal is defeated, she should resign and call a general election. If Parliament will not vote for a general election, it must allow people the opportunity to vote on whether to accept the Brexit deal on offer or stay in the EU. That is not undemocratic. It is more democratic, and it is the right thing to do.

Rachael Maskell (York Central) (Lab/Co-op): As this debate has progressed, the limitations of the Prime Minister’s deal have been exposed. We have witnessed a process whereby Brexit has come to mean a charade in which transparency and accountability have been dodged, with total disregard for the concerns that people had when they voted. My interpretation of the vote on 23 June 2016 has always been that our country is divided. We can argue that more people were in favour of leave on a particular date, but politics should not be about a race over the finish line, but about reading the times, listening to the multifaceted and complicated reasons why people made their choices and then seeking to resolve the concerns raised or left behind. As it happens, my constituency in York voted overwhelmingly to remain. I respect my constituents and believed it was my duty to reflect their vote when it came to article 50, and I rightly could not trust the Government.

We must remind ourselves of the febrile political environment in the lead up to the referendum and that some of the worst xenophobia and racism was propagated across different media. We recall the financial pressures that were levied upon our constituents. The cuts to services were severe, jobs were insecure, opportunities were denied and many people were struggling. Over the past two and a half years, people across our nation would have expected the Government to have reached out and responded to the causes of the divisions in our country, but the Government have failed.

My constituents live in the most inequitable city outside the capital. Since the referendum, the cuts have deepened, with the worst-funded schools and one of the worst-funded health services. Crime is up; good jobs have been lost; and constituents and businesses alike feel seriously let down. The casework I deal with is, frankly, so shocking and heartbreaking that I struggle to believe that we live in a so-called society. The economic analysis released last week shows that things will get worse. None of us came into politics to make people poorer, but this deal will.

My excellent universities in York, which have an exemplary reputation across the EU due to their success in winning EU research projects, will lose out significantly. As will our local economy, which is already struggling to find people to work in the hospitality sector and in the care sector, caring for our most vulnerable.

I was flabbergasted to see that the Government’s deal, after two years of uncertainty, fails to recognise how business needs time to plan and work with the market; further uncertainty only adds risk to our economy, not least on future customs arrangements.
For a negotiator it is plain to see that leverage is needed in negotiating a future deal, and the political declaration provides no such security. Worse, we all know that industry and services have lost confidence in our great nation due to this Government’s Brexit framework, and they are slowly and steadily sliding across the border into the EU, further weakening the Government’s position.

As the vote highlighted that the nation is divided, my test is whether the Prime Minister has demonstrated that she has the capability, through her deal, to unite our country. This deal does not achieve that. People did not vote just on technicalities or institutions; they voted on the wider context of their lived experience.

Politics is not just transactional; it is all-encompassing. Labour has an agenda that will address inequality, division and poverty, and that will end austerity. It will heal our broken nation and rebuild relationships across the EU and beyond, bringing real hope and security. Our future lies with this Labour party being in government and healing our nation.

6.57 pm

Jim Shannon (Strangford) (DUP): It is always a pleasure to follow the hon. Member for York Central (Rachael Maskell).

Members will have noted during this week’s business a most sincere and clear lack of pleasure from the Democratic Unionist party in what is happening. I was not pleased to learn that the legal opinion of the Attorney General was not to be made public; I was not pleased to learn that the Attorney General shares my concerns about the undesirable features of the backstop; and I had no pleasure in the vindication of our demand for transparency in negotiating a future deal, and the political declaration provides no such security. Worse, we all know that industry and services have lost confidence in our great nation due to this Government’s Brexit framework, and they are slowly and steadily sliding across the border into the EU, further weakening the Government’s position.

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The legal opinion is clear that the protocol is “binding on the United Kingdom and the European Union in international law... NI remains in the EU’s Customs Union, and will apply the whole of the EU’s customs acquis... Northern Ireland will remain in the EU’s Single Market for Goods and the EU’s customs regime, and will be required to apply and to comply with the relevant rules and standards.”

It is little wonder that constituents in my fishing village of Portavogie have always been clear that they want fewer restrictions and they want to be less encumbered and less prevented from fishing in their own waters. In Portavogie, Ardglass and Kilkeel we have been on the frontline of EU aggression and bureaucracy.

About the insurance policy, Ministers have told us, “We don’t want it and they don’t want it.” Well, if none of us really wants it, why is it there? That is the question I ask myself.

Mr Simon Clarke: Will the hon. Gentleman give way?

Jim Shannon: No, I will not give way.

Why is the insurance policy almost the only thing that has been agreed? If it will not be necessary, why have we spent 18 months discussing this and little else? I am not a fisherman by nature, but I know codswallop when I see it, and that is what this is. And for good measure there is the £40 billion. My goodness, who in their right mind would do that? It is unbelievable.

What rational person would think that Europe, which has fought so hard for this and which has pinned all its bargaining and all its red lines on this one insurance policy to ensure there is no legal form of leaving this international treaty unilaterally without consent, will ever decide to allow us to walk away when there is no mechanism legally to compel it to come to an agreement? Not me and, let us be honest, not anyone in this House. Please forgive me for expressing some disgust in a promise made by some in this House that has then been denied us—those Members, and the Government, know exactly who I am referring to.

We are small but we are part of this wonderful United Kingdom of Great Britain and Northern Ireland. I sincerely believe that we can and will survive the Brexit process, but only if we stand together. The Belfast agreement clearly says that Northern Ireland remains in the UK until a majority vote to leave is plain. It states: “Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority”.

Yet the Attorney General clearly states that we are now a third country. So can that be legally acceptable? I say no.

The red line that my party has—have heard Members referring to this—is not in red pen: it is in the blood of family members, people such as my cousin Kenneth Smith, of neighbours, of colleagues and of constituents—of your constituents and mine. They have shed blood to defend the right to democracy and to determine that nothing can enforce a united Ireland other than the will of the people. The Government have created the potential for an all-Ireland. Members must be very clear about what I am saying here, as I mean this. They must see the mistrust I have for the Government at this moment in time. They have drawn a dust sheet over the lines drawn in the precious blood of so many I loved. This Government are proposing to allow my beloved Northern Ireland to become a violated, voiceless, vetoless victim of Europe’s desperate grasp for control over our UK.

So next Tuesday, I am going to stand up for my people, and urge others to do the same. I will stand up for our own nation and for our own good. I urge the Government to go back to Europe with the courage of their conviction that this UK will be no one’s vassal state and that Northern Ireland’s blood-bought birthright is not for sale.

7.1 pm

Barry Gardiner (Brent North) (Lab): I congratulate not only Members on my side of the House today, but all those who have spoken in this debate, because what we have shown is testament to the passion and the force of argument and rationality that Members can present the House with at times such as this. I also want to pay tribute to you, Mr Speaker, for the fact that you have shown leadership by staying in the Chair for the entire proceedings of this debate.

The person I wish to start by quoting is not one of my own side, but the right hon. Member for East Devon (Sir Hugo Swire). He said:

“No one ever said it was going to be easy.”

Actually, on 20 July last year, the Secretary of State for International Trade informed the country that an agreement with the EU would be “one of the easiest in human history.”

The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox): If we are going to have a sensible debate and if we are going
to use quotes, they should be accurate and in context. As the hon. Gentleman knows, the point I was making was that the trade element—the part we have not yet negotiated with the European Union—should be simpler than most, because we would begin, unlike in most trade agreements, with regulatory alignment and legal alignment in trade.

Barry Gardiner: I know exactly what the Secretary of State said. In the following sentence, he said this would happen unless “politics gets in the way.”

Clearly, politics has got in the way, but it is not the only thing. Yesterday, reality got in the way, with the release of the Attorney General’s written advice to Cabinet. The implications of this legal advice are that we could be locked into a position where the EU negotiates a new trade in goods agreement that might be beneficial for the EU but deeply disadvantageous to the UK. This could be a deal where we have no say in the negotiations but where the UK could be obliged to open up our markets, perhaps to the United States of America, without any reciprocal right of access for UK manufacturers into that US market. I know the Secretary of State will have reflected carefully on that outcome. In fact, earlier this year in his Bloomberg speech, he presaged just such a situation. He said:

“As rule takers, without any say in how the rules were made, we would be in a worse position than we are today. It would be a complete sell out of Britain’s national interests and a betrayal of the voters in the referendum.

But in a few minutes, he will stand at that Dispatch Box and urge hon. Members from across the House to vote for it. I can only admire his flexibility.

So how did this mess come about? The Chair of the Public Accounts Committee, my hon. Friend the Member for Hackney South and Shoreditch (Meg Hillier), excoriated the Government for their failure to prepare. My hon. Friend the Member for Liverpool, West Derby (Stephen Twigg) focused on the rigidity of the Prime Minister’s red lines. Perhaps the most serious error, though, was, as my hon. Friend the Members for Ynys Môn (Albert Owen) and for Rutherglen and Hamilton West (Ged Killen) said, to try to exclude Parliament from the process. The Government tried to exclude us on the triggering of article 50, on the impact assessments, on the right to a meaningful vote on the deal and on the financial modelling, and of course we argued that Parliament had the right to see the full legal opinion prepared by the Attorney General. Their refusal was a blunder that resulted in an achievement unique in a thousand years of our history: a Government being held to be in contempt of their own Parliament—ironic, given that Brexit was supposed to be about the sovereignty of this Parliament.

It is hardly surprising, then, that now that the Prime Minister has finally brought her deal back to the House of Commons, it is a deal that Members on both sides believe is not in the best interests of the country. She used to say, “No deal is better than a bad deal”; now the motto seems to be, “Any deal is better than no deal.” In fact, the Prime Minister’s deal is not actually a single deal at all: it is a package, in which there is one deal with binding commitments by the UK on the things that the EU demanded that we settled before we leave—money, citizens’ rights and the Irish border—and another proposed deal, which contains only a wish list, with no binding commitments on the EU on all the things that the UK would like in terms of our future political, trading and security relationship. Both are packaged up with the transition period, during which the real final deal is supposed to be negotiated.

People have called it a blind Brexit, because we are unable to see what we will get before we leave the EU on 29 March, by which time we will have lost all further leverage. After President Macron’s comments, is there anyone present in the Chamber who thinks that it is mere coincidence that the final date to extend the transition period and avoid the backstop is exactly the same date as that for the ratification of an agreement on access to our waters and fisheries quota shares?

My hon. Friend the Member for City of Chester (Christian Matheson) pointed out that, although the Government say that the technology to avoid a hard border does not currently exist, in a staggering act of faith, they believe that it will be possible to achieve that by December 2020, when the transition period comes to an end. If the future relationship is not agreed by that date, the UK is faced with a stark choice: pay billions of pounds to extend the transition, or enter into the trade purgatory of the backstop arrangement.

Forty years of harmonisation of standards and regulations has resulted in UK companies being deeply embedded in complex supply chains. In the past few months, I have visited factories in all sectors. I have been to the ceramics factories about which my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell) spoke so powerfully when he told the House about the unions that he met and their fight. They are stressing that we must not have no deal, while not exactly being enamoured of the one that is on offer.

Vicky Ford: Will the hon. Gentleman give way?

Barry Gardiner: The automotive sector—[Interruption]—

The hon. Lady will understand that the purpose of summing up at the end of the day is to respond to all the comments, including hers, that have been made during the debate. That is what I will try to do.

I visited the automotive sector with my hon. Friend the Member for Crewe and Nantwich (Laura Smith). I spoke to the management, the unions and the workers. Their sector represents £18 billion-worth of exports to the EU. It has benefited enormously from our EU membership, and particularly from the customs union, which has allowed companies to streamline their supply chains and employ just-in-time systems.

I am not a pessimist about the future of our country. I do not say that the UK will be poorer if we accept the Prime Minister’s deal. But I do say, with the support of both the Treasury and the Bank of England, that it will be much poorer than we otherwise would be, by approximately 4% of GDP. My hon. Friend the Member for Sheffield South East (Mr Betts) spoke with clarity and passion about the differential impact that this would have on the poorest people and on the forgotten regions of our country, which need infrastructure investment.

Let us examine the potential upside: the new free trade agreement that the Secretary of State is so keen for us to do, particularly with our single largest bilateral trading partner, the United States. We have a trade
surplus with the USA—a trade surplus that President Trump is determined to overturn. Last week, he suggested that a deal may now no longer be possible because of the way in which this deal proposes to align with the EU. President Trump made it clear that any trade agreement would involve aligning with American regulations and standards. Yes, of course, that means chlorine washed chicken, but it also means the US “Defect Levels Handbook”, which specifies the level of mice droppings or rat hairs that are permitted in our food—for example, 11 rodent hairs per 50 grams of cinnamon and 20 maggots per 100 grams of drained mushrooms. If anyone in this Chamber doubts it, they can read the handbook for themselves or they can see what is proposed by reading “Plan A+” launched by the original Brexit Secretary and by the hon. Member for North East Somerset (Mr Rees-Mogg) just recently. It proposes to remove parity-pay for posted workers; end limits on the hours that people can be asked to work; end the precautionary principle; say yes to pesticide residues and yes to hormone-disrupting chemicals in genetically modified organisms. Such regulatory divergence from the EU would substantially impact our ability to trade with our biggest, closest market. It would increase the risk profile—

Dr Fox rose—

Barry Gardiner: Of course, I will give way to the Secretary of State.

Dr Fox: I am grateful to the hon. Gentleman for giving way. Is he aware that because of trade asymmetries—that is the way in which trade flows are measured transatlantically—the United Kingdom believes that we have a trade surplus with the United States, but the way that the US measures trade means that the US already believes that it does have a trade surplus with the UK. That rather undermines his case.

Barry Gardiner: Not at all. The Secretary of State will have read what President Trump has said recently. He knows that the President, as a protectionist, wants to have America first, not the UK.

That regulatory divergence from the EU would substantially impact our ability to trade with our biggest and closest market. The Minister for Trade Policy recognised the same. He noted that, “If we come out of alignment with EU regulations in this area, then there is a penalty to be paid in terms of frictionless trade with Europe.” That comes from the Secretary of State’s own team.

Even assuming that new trade deals are possible without these complications, what would these new agreements contribute to our GDP? The Bank of England has quantified any benefit at less than half a per cent—just 0.2% of GDP growth. The Government’s own assessment says that a no-deal Brexit would result in a reduction of 9.3% of GDP. Most MPs are clear: a no-deal Brexit cannot be allowed to happen. None the less, the Prime Minister is presenting her agreement as a binary choice between her deal and no deal. She urges MPs to vote for a deal that they firmly believe is not in the country’s best interest by threatening that if they do not, the consequences of no deal would be even worse. That is not an argument; it is blackmail. Most importantly, it is a false choice.

Earlier today, my right hon. Friend the shadow Chancellor set out an agreement that respects the key reasons why many people voted to leave—namely money, borders and law—and also ensures that we continue to have frictionless trade that protects our manufacturing industry’s just-in-time supply chains and the integrity of the United Kingdom.

We are at a critical point in our history and business needs certainty and stability. Our children need an optimistic future. Our country is deeply divided. I started by quoting the Secretary of State and remarking how flexible he has been in acquiescing to this deal. I conclude my remarks, exhorting him to be yet more flexible still and to recall his own words, which were quoted in The Mail on Sunday on 16 September 2012. He said:

“I believe the best way forward is for Britain to renegotiate a new relationship with the European Union—one based on an economic partnership involving a customs union and a single market in goods and services.”

The Secretary of State may not like it, but it sounds an awful lot like Labour party policy to me.

7.14 pm

The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox): Well, that got a tumultuous welcome from the Labour Benches.

I thank right hon. and hon. Members on both sides of the House for their valuable and insightful contributions to the debate, delivered with passion but without the rancour referred to in the elegant and wise contribution of my hon. Friend the Member for Hazel Grove (Mr Wragg). I wish that more Members could have heard his wisdom on that subject.

Before I respond directly to some of the points raised in the debate, I think the House should take a moment to consider, at this pivotal moment of our nation’s history, the inherent strengths of the UK economy that we have been discussing today. As my hon. Friend the Member for Basildon and Billericay (Mr Baron) mentioned in his contribution, at the time of the referendum we were told that the simple act of voting to leave the European Union—not leaving the European Union itself, but voting to leave—would cause such an economic shock that we would lose half a million jobs, our investors would desert us and we would require an emergency Budget to deal with the ensuing fiscal imbalance. So it is worth just considering what has actually happened in our economy in that time.

We have added 700,000 to the economy, with more people finding work than at any time in the past 40 years. That is no accident. It is the result of good Conservative economic management—something that would be completely cast asunder were the Labour party, in its current hard-left form, ever to take office in this country.

Sarah Jones: Will the Secretary of State give way?

Dr Fox: If I may, I will come to the hon. Lady’s contributions a little later.

This upward trajectory in employment shows no signs of slowing. Indeed, the OBR has calculated that we can add another 800,000 jobs without creating inflationary pressure, because there is still slack in the economy to do so. Throughout this debate, Labour has talked as though, post referendum, our economy is on
its knees. Well, let me tell the Opposition that 2017 saw total UK exports rise by 10.9% compared with 2016, at a time when global trade grew by about 3.4%. British companies sold almost £50 billion-worth of mechanical machinery, £41 billion-worth of motor vehicles, £16 billion-worth of aircraft and £14 billion-worth of medical equipment. Since the referendum, we have increased our share of our GDP that we export from 28.3% to 30.5%, which is a very large increase by international comparisons—so much for Britain not making anything anymore. This is all before we even consider our world-leading services sector, which accounts for around 80% of UK economic output.

Stewart Hosie: The increase in exports is recognised. The nature of the exports is recognised. Why on earth do we want to put all that at risk by ending the ability to access those many countries with which the EU has an FTA that we are part of?

Dr Fox: If the hon. Gentleman is serious about automatically wanting to roll over all the agreements that the European Union has, I hope that he will vote for the Government’s motion next Tuesday, because that is exactly what would happen if we had a withdrawal agreement and a movement into the implementation period. All those agreements would automatically be safeguarded. He might want to think about that before he casts his vote.

Maggie Throup: Does my right hon. Friend agree that this deal will bring certainty for businesses by unlocking the investment that they are sitting on and that this is what we need for our future prosperity?

Dr Fox: As the Chancellor said in his introductory speech this afternoon, it is widely acknowledged that when there is an agreement, there is potential for a dividend because investment that might be being held back because of uncertainty around Brexit could come forward. That is probably particularly true of domestic investment, rather than foreign direct investment, which I will come on to.

Albert Owen: Will the Secretary of State give way on that point?

Dr Fox: I heard the hon. Gentleman—calm down. Clearly, the vote to leave the European Union has not had the catastrophic effect on our economy that was predicted—quite the reverse—and it is worth making a point about the difference here between forecasts and scenarios. Throughout today’s debate, I have constantly heard scenarios portrayed as forecasts, but it is worth pointing out that, in a forecast, all variables in an equation are considered, and their combined effect is looked at and becomes a forecast. A scenario is the isolation of a single factor and the assumption that if nothing else changes, that is what may happen. Clearly, in the real world that is not what happens. It is not realistic to expect that there would be no potential shift, if necessary, in Government fiscal policy, or in the Bank of England’s monetary policy, or changes to what the Government will be able to do on tariffs. We have to be realistic and try to understand what those things are. To try to confuse forecasts and scenarios, intentionally or otherwise, is not helpful to the debate.

Albert Owen: The right hon. Gentleman is right to tell the House that George Osborne got it completely wrong with the panic measures and emergency Budget that he was going to introduce, as he did on eliminating the deficit. The Secretary of State is laying out different scenarios. What forecast would he like to give the House for how he sees the state of the economy within x amount of time after leaving the European Union?

Dr Fox: Again, that is exactly the same pattern. We want a continuation of good economic management for the United Kingdom that continues to provide jobs and prosperity in our country and record investment in its infrastructure. I can forecast that if the Labour party was ever to take office with its crazy spending plans, the financial and economic consequences for the prosperity of this country would truly be catastrophic.

Nigel Huddleston: I appreciate the positive and optimistic picture that the Secretary of State paints of the UK economy and our potential. Does that not demonstrate that it is always better to have a Conservative Secretary of State for International Trade flying around the world and talking Britain up, rather than a Labour one talking Britain down?

Dr Fox: Talking Britain down is what people do when they cannot bear the fact that the truth tells us that our economy is doing well, that exports are at record levels, that inward investment into the United Kingdom is at record levels and that unemployment is at a record low level and employment at a record high level. Labour Members hate all those facts because they go against their basic narrative that Britain is failing and somehow needs to be rescued by an utterly inept Labour party.

Sarah Jones: I am slightly confused about the notion that the economy has been managed well by the Government when we have nearly the slowest growing economy in the industrialised world. We have no investment, and our debt-to-GDP ratio is pretty stagnant. We are a failing economy with low wages, and we do not have the growth of other industrialised nations that are way ahead of us. The Government are not managing the economy well.

Dr Fox: Once we get out of the realms of fairy tales and consider reality, we see that the unemployment rate in the United Kingdom is 4.1%—almost exactly half the level in the eurozone, which is 8.1%. Our exports are growing faster than in most other countries in Europe, with the exception of Germany, and investment in our infrastructure is at record levels.

Barry Gardiner: As, indeed, I twice welcomed the Secretary of State. Will he confirm whether he has seen Her Majesty’s Revenue and Customs statistics on regional
trade in goods for the third quarter that were published this morning? They show that all regions of the United Kingdom are importing more than they are exporting, and we therefore have a large balance of trade deficit.

**Dr Fox:** I hate to bring this to the hon. Gentleman’s attention—it will no doubt come as a shock—but we have had a trade deficit since the 1980s. In fact, one of the few times when we have not was in February this year, when the UK became a net exporter for the first time in some time. The hon. Gentleman will no doubt be overlooking those facts because they do not suit his narrative.

**Sir Oliver Heald:**

**Dr Fox:** I give way to my right hon. and learned Friend, but then I will make some progress, much as I am enjoying this.

**Sir Oliver Heald:** I pay tribute to the work done by my right hon. Friend in talking to our trading partners around the world in contemplation of having new trade agreements once we are into the implementation period. Does he agree that one of the strengths of the deal that the Prime Minister has negotiated is that we can go into the implementation period, negotiate, ratify and sign the trade deals, ready to go? If we do not take this deal and just fall out of the EU, we will not get that chance, so it is very important that we do take it.

**Dr Fox:** My right hon. and learned Friend is right. It is certainly true that the draft political declaration was not as favourable to an independent trade policy as the final declaration is, given the changes that the United Kingdom insisted on in that negotiation. I was much heartened by those changes, not least because the declaration talks of building on and improving customs co-operation, not just building on it, and it cross-references the other elements of that to include protection of our independent trade policy.

**Mr Simon Clarke:** On the subject of forecasts and scenarios, may I refer my right hon. Friend to Open Europe’s excellent report, published this week? It is clear that the gains from artificial intelligence over the next 10 to 15 years will more than outweigh any conceivable loss from any scenario surrounding our exit.

**Dr Fox:** Indeed—my hon. Friend is right to say that that was correct in all scenarios. The doom and gloom pushed in some quarters is not consistent with the reality of Britain’s economic performance.

Now is the time to raise our sights and acknowledge that there is a world beyond Europe and there will be a time beyond Brexit. The referendum settled the question of our departure from the European Union. This House voted overwhelmingly to hold that referendum. The British people voted on the understanding that we would enact the result.

In 2016, we did not have a consultation with the British public; we were given an instruction to negotiate this country’s withdrawal from the European Union. That point was made in powerful speeches by my right hon. and learned Friend the Member for North East Hertfordshire (Sir Oliver Heald) and my hon. Friends for Tonbridge and Malling (Tom Tugendhat), West Worcestershire (Harriett Baldwin), Northampton North (Andrew Lewer), Downham Market and King’s Lynn (Sir Henry Bellingham), North East Somerset (Jacob Rees-Mogg) and for Stafford (Jeremy Lefroy), among others. They all come from different parts of the political debate—a clear indication that we have to find a compromise that makes this workable. The withdrawal agreement achieves just that. Most importantly, it enacts the democratic will of the British people.

I remind the House that this is the only deal on the table. It has been painstakingly negotiated by both sides and of course we do not have every single thing that we wanted—but then again, neither did the EU. That is the nature of international agreements. The deal is a compromise, as was pointed out by my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) in an outstanding, personal and passionate speech, the likes of which we would love to hear more of in this House. That message was echoed by my hon. Friend the Member for Eddisbury (Antoinette Sandbach) and my right hon. Friend the Member for Ashford (Damian Green).

Do I think the agreement is perfect? No, I do not. Did I think it would be? No, I did not. But does it do enough to get us out of the European Union? Yes, it does. For those who want another referendum, let us be very clear: the one thing that will not be on offer in any further referendum, just as it was not in the last one, is the status quo. The status quo has never been on offer; this is a dynamic progression in the European Union. The EU is committed, as it has been since the treaty of Rome, to ever closer union. We wish our European friends well in that endeavour, but it is not the right course for Britain. We must be free from the one-way ratchet of federalism, as my hon. Friend the Member for South Dorset (Richard Drax) said in his powerful intervention.

**Ian Paisley:** It was Samuel Johnson who observed that nothing so concentrates the mind like a hanging. As the gallows are being built next Tuesday for this withdrawal agreement, can the Secretary of State confirm whether any discussions are taking place about putting this motion off or about altering it in any way, or are the Government fixed on walking towards those gallows?

**Dr Fox:** The Government will continue to make the case for what they believe is a balanced and reasonable agreement. But of course the Government will want to talk to Members and want to look to ways to give reassurance to the House wherever we are able to do that.

Under this agreement, we will be free to decide for ourselves who comes to the UK, free to decide who fishes in our waters, free to decide how to support our farmers, free to open new markets around the world to the best that Britain produces and free to consider new ideas, like seeking the free ports that my hon. Friend the Member for Cleethorpes (Martin Vickers) outlined today. Above all else, the withdrawal agreement and the political declaration provide what Members on both sides of the House were calling for—on behalf of business: stability, and certainty; a firm foundation on which to continue to operate across the EU, which remains one of the most important of our export markets.
Vicky Ford: Labour Members seemed to suggest that they wanted to tear up the withdrawal agreement and go and negotiate something different with Brussels. Does my right hon. Friend agree that all trade agreements take time to negotiate, and that this withdrawal agreement gives us the breathing space to finalise that trade agreement and tearing it up is irresponsible?

Dr Fox: One thing that perhaps has not been fully understood in the public domain as a result of the complexities around Brexit is that it does not matter what model we want to have as the future partnership—we have to have a withdrawal agreement if there is to be any continuity. That is part of the article 50 process. We have to have a withdrawal agreement with a view to the future relationship that we will have. That is where the backstop comes in. The Irish Government, in particular, made it very clear that they would not be willing to contemplate a withdrawal agreement unless it had certain guarantees that are embodied in the backstop.

On that subject, it is very clear, and I entirely understand, why many of my colleagues do not like the concept of the backstop as it is constructed. I have to say that I share, as does the Prime Minister, many of those same anxieties. It comes down to a question of trust, and as the Attorney General said in his evidence to the House the other day, it comes down to a balance of risks. Many in the House have made it very clear throughout the day that they would not trust the European Union to release Britain from the backstop. That is a big worry that many of my colleagues share.

But it is equally true to say that, if we cross to the other side of the channel, we find those who take the view—which I understand is very difficult for some in this House to grasp—that this is a great and wily move on the part of the United Kingdom, because if it does not get what it wants in the future economic partnership, it could park itself in the backstop, not making any financial contribution and not having free movement, but having access to the single market. There are those in other countries who say, “Why should our taxpayers pay for the UK to have that privilege?” It would be very difficult for the Commission, which would ask, “What do we tell Norway and Switzerland, which do have to pay for that privilege of access to the single market?” We have to try to understand that this does work in both directions, difficult though that may be for us conceptually.

Richard Drax: My right hon. Friend and I have had many face-to-face talks. This is not a wily move by the United Kingdom. This deal will allow the United Kingdom to leave the EU. The backstop very clearly, and we have heard it from the Attorney General, means that we may not be allowed to leave unilaterally—so stuck in it. It is not a wily move and the compromise down the middle deal has upset everybody. We need the unilateral right to leave this institution, as the people of this country instructed us to do.

Dr Fox: It is certainly true that there has been some movement on this issue. Originally it was envisaged that the backstop had to be permanent. Now the agreement is clear that it is designed to be a temporary measure. We should understand that, if we do not like the whole concept of the backstop here, it is also not liked in continental Europe. That should be the biggest incentive we have to never get there and to reach a trade agreement on a future partnership.

I was struck by the contribution of my hon. Friend the Member for Morecambe and Lunesdale (David Morris), who made a point that is worth reflecting upon. Had David Cameron brought this country back a deal that said, “You can be outside the single market, the customs union, the common fisheries policy and the common agricultural policy, make no contribution and end free movement.” I wonder what the reaction would have been at that point in history. That is the agreement we are talking about today. I know that I, for one, would have been biting his right hand off for an agreement like that.

Jim Shannon: In December 2017, I sought assurance from the Prime Minister and her reply to me was:

“I am very clear that we will not be a member of the single market or the 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”—that is the United Kingdom of Great Britain and Northern Ireland—

“will be out of the internal market and the customs union.”—[Official Report, 11 December 2017; Vol. 633, c. 48.]

It is understandable why, when I see the legal agreement, which says something completely different, I greatly mistrust what I am told by those in government at this moment in time.

Dr Fox: The Government have the best interests of the whole Union at heart, which is why, for example, when we negotiate trade agreements, they are for the whole United Kingdom and not partial. The question was raised yesterday at the International Trade Committee whether the Government would implement during the backstop any trade agreement with the rest of the United Kingdom but not Northern Ireland. That would be very difficult to justify, exactly on the terms that the hon. Gentleman mentioned.

One of the most interesting speeches of the day was that of the shadow Chancellor, the right hon. Member for Hayes and Harlington (John McDonnell). In reply to the hon. Member for North Antrim (Ian Paisley), he said that the backstop would not be needed under Labour’s plans because there would be a customs union. That is patently untrue. The regulatory gradient that would exist would not remove the need for a border and would address neither the anxieties of the Irish Government nor those of us in the United Kingdom who believe in the integrity of the Union.

The right hon. Gentleman said that Labour would negotiate a “comprehensive customs union”, with a say in future trade agreements. Let me tell him what nonsense that is. Under EU law, the EU has exclusive competence over its common commercial policy, which includes trade agreements under article 207. The EU treaties set out clear provisions for concluding EU FTAs that provide a role for EU member states and the European Parliament. Those treaty provisions do not permit a non-EU member state—even one in a customs union with the EU—to play a decision-making role in concluding EU trade agreements. That was nonsense. It was another piece of ill-conceived Labour fantasy.
What we have heard today from those on the Labour Front Bench is an ill-researched, ill-understood, unrealistic and incredible policy. As we all know, Labour—to the great irritation of their socialist allies across Europe—are simply playing politics with this issue, at a time of great national decision making. They are out of their depth and not up to task.

Jim McMahon: On the backstop issue—the Secretary of State seems to have skirted it when challenged on it a number of times—the letter from the Attorney General, which has been sent to Members, was very clear that “the Protocol, including Article 19, does not provide for a mechanism that is likely to enable the UK lawfully to exit the UK wide customs union without a subsequent agreement”, and that remains the case even if negotiations have broken down. The points that have been made are accurate and the Secretary of State has managed to skirt around that without answering it directly. So answer it directly.

Dr Fox: No, I answered the question. What I was concentrating on was exorcising the Labour party for the policy that it has set out today—a policy that is delusional because it does nothing that it actually claims it does. To the irritation of the European Union, the shadow Chancellor and his team do not even appear to understand the European law that they are praying in aid for their own ridiculous case.

John McDonnell: I say to the right hon. Gentleman: do not judge our ability to negotiate on the basis of the incompetence his party has shown for two years.

Dr Fox: Perhaps the right hon. Gentleman can tell the House—I will give him the opportunity—under which articles of a European treaty does the EU allow a non-member to have a say? Under which treaty?

[Interruption.] For those Members who cannot lip-read, it appears the shadow Chancellor was saying that he would single-handedly be able to rewrite EU treaties to be able to accommodate Labour party policy. What a shambles of an approach to a national negotiation.

Let me deal with a couple of other issues that have been raised in the debate.

Damian Green: Will my right hon. Friend give way?

Dr Fox: If I may, I will continue.

In the Select Committee yesterday, my hon. Friend the Member for Yeovil (Mr Fysh) raised an issue that I would like to address specifically. He was concerned that the backstop rules would bind the UK to EU state aid rules. I understand that he was specifically concerned about the defence sector, which has a major role in his constituency. Having taken advice, I am happy to inform him that, under the backstop, the UK would still have an exemption from state aid rules in respect of defence measures.

One of the themes today that I really feel I have to deal with is the constant refrain from Labour Members about the causes that led people to vote leave. They talked about everything except that people were unhappy with membership of the European Union, and we got the same condescension and the same patronising attitudes. People voted to leave the European Union because, after 40 years of experience of moving from the Common Market into the European Union with greater and greater politicisation and moving away from the concept of an economic union, they did not like it. They did not like someone having legal authority over them. They did not like someone else determining how to spend their money or someone else determining their borders.

We need to be clear about some of the alternatives being put forward.

Jim McMahon: 

Mr Betts: 

Dr Fox: I will not give way again.

My hon. Friend the Member for Gloucester (Richard Graham) was clear that we must beware of some of the siren voices on other alternatives, particularly the EEA/EFTA option. We would pay highly for such an option. We would have to negotiate membership from outside the EU. The EU members as well as the EFTA members would all have to agree such a membership. We would have full regulatory alignment inside the single market and have less freedom on future trade agreements than we have under the agreement being put forward by the Government. We would be hamstrung by rules on our financial services—not even able to set the rules in our own City—and we would have full freedom of movement applied to us. It could not be further from what the public voted for in the referendum.

Stephen Kinnock: 

Mr Betts: 

Gareth Snell: 

Dr Fox: I will not give way again.

The Government have made it clear that we want to take a balanced approach to the question of our future trading prospects. We acknowledge the need to maximise our access to the EU market, but without damaging our potential to benefit from the emerging trade opportunities in other parts of the world. I remind the House that the International Monetary Fund has said that 90% of global growth in the next five years, bringing its forecast forward, will occur outside continental Europe.

Ambitious arrangements have been made in the political declaration for services and investment—crucial to this country—arrangements that go well beyond WTO commitments and build on the most ambitious of the EU’s recent FTAs. But we have also been clear that our future relationship with the EU would recognise the development of an independent UK trade policy and not tie our hands when it comes to global opportunities. The 27 nations of the EU constitute some of our largest trading partners. As a whole, some 44% of this country’s exports of goods and services still go to the EU, although that proportion has diminished somewhat over the past decade or so. We have set out an approach that means the UK would be able to set its own trade policy with the rest of the world, including—let me be very clear—setting our own tariffs, implementing our own trade remedies and taking up our own independent seat at the World Trade Organisation. It is at the WTO and like bodies that proper global liberalisation is likely to take place. In an economy that is 80% services-orientated, the liberalisation globally of services will have a far
greater impact on the future prosperity of the United Kingdom than anything that is likely to be done on a bilateral agreement in goods, which has largely been liberalised over the past 20 or so years.

Britain is well prepared for a global future. No other country has the same combination of fundamental strengths, which will allow us to thrive in an age where knowledge and expertise are the instigators of success. The inward investment into this country in recent months is testament to that. Not only have we maintained our place in global FDI—we have improved it. According to the UN, in the first six months of 2018, Britain was second only to China and ahead of the United States in terms of inward investment because of the strong economic fundamentals of this country that have been set down since 2010 by the Conservative Government. Our export and investment performance shows that the sceptics have been wrong and that Britain is flourishing. The divisions of the referendum now need to be consigned to the past. It is time to set aside our differences and lead our country to a future of freedom, success and prosperity.

Let us be clear about one thing. There are those who claim, and it has been claimed today, that Parliament can override the result of the referendum because Parliament is sovereign. I say this to them: on this particular issue Parliament subcontracted its sovereignty to the British people when it said, “We cannot or will not make a decision on this particular matter. We want the people to take this decision and issue an instruction to Parliament.” The people of this country made that decision and issued that instruction. If we want to retain the public’s faith in our democratic institutions, it is time for Parliament to live up to our side of the bargain. In politics, we cannot always have the luxury of doing what we want for ourselves, but we always have an abiding duty to do what is right for our country. I commend this motion to the House.

Ordered, That the debate be now adjourned.—(Gareth Johnson.)

Debate to be resumed on Monday 10 December (Order, 4 December).

Richard Graham: On a point of order, Mr Speaker. Earlier, I intervened on the hon. Member for Dundee East (Stewart Hosie) to make a point about the difference in sentencing by courts of EU nationals and those from other countries. I want to make it clear that I intended no disrespect to European nationals, but I made the point clumsily. I illustrated it clumsily. I therefore want to apologise to anyone who took offence. I promise the House that that was absolutely not intended.

Mr Speaker: I fully understand the purport of what the hon. Gentleman has had to say. I think that he has set the record straight. It is not for me to act as arbiter of the merit or demerit of what a particular hon. Member says. Each Member takes responsibility for his or her own observations. However, in the circumstances which the hon. Gentleman described to me briefly some
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Motion made, and Question proposed. That this House do now adjourn.—(Gareth Johnson.)

7.51 pm

Sir Hugo Swire (East Devon) (Con): And now for something completely different. I had hoped that more colleagues would have wanted to stay for this important debate and would, in fact, be rather envious of seahorses, who go about their business at the bottom of the ocean completely ignorant, perhaps, of regulatory borders, backstops and barriers to trade. Perhaps they have never even heard of Brexit or the withdrawal Bill; we must envy them in that respect.

Seahorses are unique marine creatures. Swimming upright in a manner unlike other fish, they change colour like chameleons, with an eponymous head and neck featuring segmented bony armour. For those Members grounded in the classics—I am sure that, of the few Members in this Chamber, there are at least one or two who are—their genus stems from the ancient Greek hippocampus, meaning “horse sea monster”. Such a translation would belie their elegance, gracefulness and mythical persona. Many are only an inch or two long. In practical terms, they range in size from a pine nut to a banana. Art and cultural works depicted the hippocampi quite literally as a sea horse—half horse, half sea monster—from the lamp posts of Dublin to the Trevi Fountain in Rome. Surely these delicate creatures are the cultural and artistic prism through which our fascination with the seas and oceans has been magnified.

Jim Shannon (Strangford) (DUP): I always research and rehearse these things, and from my research, I have become aware that some 33 known species of seahorses were classified as vulnerable. In 2002, there were reports of as many as millions of seahorses being taken out of the sea and put in the sun to dry—a slow and painful death—and then used as jewellery. Does the right hon. Gentleman feel that something needs to be done with China to prevent these sales and what people are doing?

Sir Hugo Swire: Clearly, I do, which is why I am having this debate. The hon. Gentleman has uniquely not managed to mention Strangford Lough in his intervention—I am sure that there are some seahorses there, or that there were at some point—but he makes his point well, and I will come to that in a minute or two.

Seahorses play an important role in coastal ecosystems, eating small crustacea such as mysis shrimp up to a remarkable 50 times a day. The seahorse is a highly adapted predator and is, in turn, preyed upon in very large numbers. Unusually, the male seahorse gives birth to thousands of fry per annum, although, sadly, out of every 2,000 born only one or two survive to maturity. They fill a role of maintaining the checks and balances of a natural ecosystem, and without them, one more brick in the wall of nature would be gone.

The British coastline is home to two species: the spiny seahorse, occasionally known as the long-snouted seahorse—which H. Carolus will have to confirm—is Hippocampus guttulatus—and the short-snouted seahorse, or Hippocampus. They are not as widespread across our isles as many may assume and are to be found predominantly in an arc stretching from the Shetland isles down the west coast to the south coast of England. Sightings on the east coast, in the North sea and across the channel in our dear ally and neighbour France are far more sporadic. In July last year, it was widely reported that short-snouted seahorses had been discovered in my part of the world, off the coast of Devon, although the species is more commonly found in the balmy waters of the Mediterranean and south-west of the Isles of Scilly. Having said that, I should add that they are indeed indigenous. We should be protective of them, and we should be pleased and proud that they are an important part of the natural ecosystem of the British Isles.

Tragically, the traditional medicine, curio and aquarium trades are threatening the future of seahorses. We know that 25 million to 65 million per year are taken from seas and oceans across the world. However, those are official figures based on what might be termed the official trade. Environmental groups estimate that in excess of 150 million per year are killed, on the basis of counts during undercover operations. All species of seahorse are protected under CITES, the convention on international trade in endangered species, although the illegal trade overshadows the legal trade by a greater margin.

I expect that Members who are watching or attending the debate, and the public watching at home, would blame the demise of those seahorses on traditional Chinese medicine, as they are purported to be an aphrodisiac and a combat against common ailments. However, according to some estimates, the curio trade and traditional Chinese medicine take roughly the same number from the wild. Both are devastating, cruel trades that have far-reaching consequences worldwide. Seahorses might be seen ground up in dodgy medicines, or being sold as souvenirs in seaside markets. Along with shells and starfish, they are deliberately taken from the sea and—as we heard from the hon. Member for Strangford (Jim Shannon)—left to die in the boiling sun. I could not imagine a more unpleasant way of death.

However, what we do in this country can protect the seahorses around our coasts and islands, and further afield. The illegal trade is truly international, so I am not suggesting that all the seahorses circulating in UK marketplaces and shops are harvested from our shores; far from it. Indeed, the two species found off our coasts are among the most threatened of all species in the UK. These creatures are far more likely to be found imported in shipping containers hidden among other licensed goods from Malaysia or the seas of China, where they are far more abundant. Should we not be asking how we can take international leadership in protecting them, rather than wagging the finger at other countries? My right hon. Friend the Secretary of State for Environment, Food and Rural Affairs has asserted that a ban on ivory sales would “reaffirm the UK’s global leadership … demonstrating our belief that the abhorrent ivory trade should become a thing of the past.” While the seahorse trade is regulated rather than prohibited, I know that my right hon. Friend is no less enthusiastic about our doing what we can to ensure that seahorses do not just survive, but can thrive within our fragile ecological wall.

This debate is not about our existing regulatory framework, but about enforcement. It is about practice rather than theory. There is no case in which a CITES...
permit is not required for the export, import, re-export or re-import of any seahorse, alive or dead, in part or as a whole. As such, all seahorses require a CITES permit and authorisation by a scientific management authority. Of course, questions remain as to whether police wildlife crimes officers, the Animal and Plant Health Authority, and Her Majesty’s Customs and Excise have adequate resources to carry out enforcement of existing regulations, so will my hon. Friend agree to look again at the resources required to support these agencies?

Fundamentally, I believe we must tackle the ease with which one can purchase seahorses illegally online. The whole struggle is that online platforms, including social media companies, are not insisting that CITES evidence is uploaded with the product listing. One major platform insists that it is not responsible for what its sellers sell. So brazen are traders in seahorses that they do not even need to go on to the dark web—although I am not over-familiar with the dark web, Mr Speaker, and nor will you be. Online platforms police themselves across their sales, as one would expect. When seahorse products are reported to them, they generally remove the listings. However, some major online platforms are not responding to customer reports of illegal sales.

To have one central place where we can report illegal sales would be much more efficient in bringing about prosecutions of repeat offenders. It could be a portal that would also provide authorities with a central pool of data to monitor trends across websites and areas of the United Kingdom. The Government should evaluate the effectiveness of existing statutory regulations in allowing the fining and prosecuting of online platforms illegally trading in seahorses. I therefore call on the Government, through the Minister, to encourage the reporting of illegal listings to online platforms by publishing straightforward guidance for the public, social media and online marketplace companies.

I was delighted to have a meeting with representatives of the excellent environmental charity the Seahorse Trust, based in beautiful Topsham in my constituency. I know they are eagerly following this debate and are very grateful that I have managed to secure it and that they are waiting with anticipation to hear the Minister’s response, as indeed we all are. The Seahorse Trust is responsible for overseeing and working in partnership with a number of research projects around the world through a loose collection of seahorse groups called the Seahorse Alliance. It is a small organisation punching well above its weight in getting the plight of the seahorse noticed by regulators, online marketplaces and the general public. I am sure the Minister would like to pass on how delighted its representatives were to have the opportunity to bring their concerns before the Secretary of State earlier this year, when I took them to see him in his offices.

Mr Speaker, I would like to end—and indeed you would like me to end, as you have been in the Chair all day, which is staggering—by saying that now is the time. We are doing such things in many other areas of wildlife, and we are doing a great job. This Government are doing a tremendous job, but it is now time to show leadership on the illegal trade in seahorses by targeting how they are traded while simultaneously ensuring that those tasked with policing the trade are resource so to do. We cannot keep chipping away at our ecological wall and expect to get away with it.

8.3 pm

The Minister for Agriculture, Fisheries and Food (George Eustice): I congratulate my right hon. Friend the Member for East Devon (Sir Hugo Swire) on securing this debate and on his support for the protection of seahorses, one of our most unusual and beautiful fish. He has most eloquently described their unique nature and their role in coastal ecosystems, and I join him in paying tribute to the Seahorse Trust and others for their work in raising awareness of their plight. While only two species inhabit UK waters from Shetland to Devon, there are 24 species that inhabit many of the coastal waters across the globe. As my right hon. Friend said, they are unlike most other fish in the way that they look and the way that they live. This even extends to their reproduction, as it is the males that take on eggs from the female and then take responsibility for giving birth to and raising the young seahorses.

Seahorses do not, however, differ from other species of fish in the pressures that they face and the threats to their survival. Seahorses are caught for the aquarium and traditional medicine trades, or sometimes simply for trade as curios. They are affected by pressures on their environment such as habitat loss, and they can be affected as bycatch as a side effect of fishing activities targeted at other species. Trade in seahorses to the UK is mainly in live animals, the majority of which have been bred in captivity. Between 2010 and 2015, the UK imported around 21,300 live seahorses that had been bred in captivity and 1,700 live wild seahorses.

As I said earlier, there are two species of seahorse in the UK: the short-snouted seahorse and the long-snouted seahorse. Both species are listed on the OSPAR list of threatened or declining species and habitats and, as a contracting party to OSPAR, we are committed to taking measures to protect them. Both native seahorse species have a wide distribution around the UK and are found all around the British Isles and Ireland, right up to the Shetland Islands. Seahorses feed mainly on very small marine crustaceans. Adult seahorses can eat between 65 and 70 of these a day, whereas the fry eat up to 3,000 plankton-sized bits of food every 24 hours. Seahorses are often taken by predatory fish, and they have to rely on their camouflage to avoid detection as they are poor swimmers.

The protection of endangered species around the world is a key priority for this Government. The wellbeing of our society depends on a healthy environment, and that requires policies to deliver healthy ecosystems, global biodiversity and the conservation of species. My right hon. Friend can be assured that we are taking action, bilaterally and through international agreements, to protect wildlife populations both around the UK and further afield, whether they are threatened by poaching, habitat loss or unsustainable use. The United Kingdom is rightly recognised as a global leader on environmental issues, whether by raising the illegal wildlife trade up the international agenda or through our commitment to tackling climate change, deforestation and ocean acidification.

At home in our waters, we are providing increasing levels of protection to marine life, including seahorses, through the designation of marine conservation zones. These provide a means for protecting many of the important habitats and the species that live on and in the seabed, such as seagrass beds and the seahorses that live in them. We have
so far designated 50 marine conservation zones—some of them, such as Torbay and Beachy Head West, with the specific objective of protecting seahorses. We have consulted on a third tranche of MCZs where we have proposed to designate a further 41 sites. Some of these, such as Studland Bay, Beachy Head East and Bembridge, will again specifically protect seahorse populations. We expect decisions on third tranche site designations by June next year.

As with illegal trade, we are also working to protect marine species on a global scale. The UK and our 14 overseas territories are custodians of the fifth largest marine estate in the world. We have committed to create a “blue belt” to protect and conserve around 4 million sq km of waters around the overseas territories. Seahorses also receive protection through the UK’s Wildlife and Countryside Act 1981 and through the listing of seahorses under CITES—the convention on international trade in endangered species—and related EU regulations. Trade in seahorses is indeed regulated rather than prohibited. In the UK, it is an offence to trade in species of seahorse native to the UK unless there is evidence that the seahorses have been captive bred. Where there is illegal trade in seahorses—for example, where there is no evidence that the specimens were legally imported—we can prosecute under the Control of Trade in Endangered Species Regulations 2018.

In the UK, seizures of seahorses at our borders are thankfully few and far between. In the past calendar year, there have been 14 in total, and none has been of a significant nature. They have primarily involved traditional medicine products of which seahorses were identified as a component. As we have heard, though, protections are only as effective as the enforcement behind them. I can tell my right hon. Friend that there was a conviction with a fine in 2014 at Bromley for the offence of selling a product containing seahorses. There was a further case in 2015 in which someone was cautioned. Of the 14 seizures I mentioned, one involved five live seahorses for the marine trade in which permit errors were identified, one seizure of 13 dried seahorses that were part of a Chinese medicinal package, and 12 seizures of pills in which seahorses were identified as being one of the medicinal ingredients.

We recognise the importance of tackling wildlife crime and have therefore increased funding for the National Wildlife Crime Unit to provide intelligence and support for local police forces. The unit plays an important role in supporting police forces to detect and prevent wildlife crime, including the illegal trade in seahorses, and it has, for instance, acted on information from the Seahorse Trust, which my right hon. Friend mentioned, on potential illegal activity. Nevertheless, my right hon. Friend has suggested that we should evaluate the effectiveness of the protections already in place. He will therefore be pleased to know that we made such a commitment when we hosted the illegal wildlife trade conference in London in October. We committed there to conduct a comprehensive analysis of the strengths and weaknesses of preventive and criminal justice responses and other measures related to the protection and monitoring of wildlife and forest products. That will be undertaken by the International Consortium on Combating Wildlife Crime in the coming months and will help to identify any shortcomings in our regulatory regime.

With respect to the illegal wildlife trade, the Government have a strong record of leadership, and the UK is at the forefront of international efforts to protect endangered animals and plants from unsustainable and illegal trade. This trade is not limited to certain countries or regions and is a truly global phenomenon affecting plants, animals, fish, birds and insects, and the Government are committed to tackling all the elements. We are committed to working with our international partners around the world to tackle the growing problem, and our response must rest on international co-operation. It is working with other nations to reduce demand and disrupt this crime that will truly make the difference. To support those efforts, the Government are investing £36 million to try to reduce demand, strengthen law enforcement and develop sustainable livelihoods. We need to eradicate the market for illegal wildlife products, ensure our laws are strong enough to deter the criminals, rigorously enforce those laws and provide sustainable livelihoods for those who might otherwise be tempted by the short-term gains of poaching.

My right hon. Friend raised the fact that the trade in endangered species is being facilitated online, which can present particular challenges. That is why we are working closely with the private sector across the transport, financial, tourism, cyber and technology sectors to increase the levels of ambition and commitment by businesses to assist us in tackling the illegal wildlife trade. Some significant and hugely encouraging steps have been taken recently. In particular, the Global Coalition to End Wildlife Trafficking Online has brought together the world’s biggest e-commerce, technology and social media companies to join forces in shutting down online marketplaces for wildlife traffickers. NGOs and global companies such as eBay, Google, Microsoft and Facebook are working to unite the industry and maximise impact for reducing wildlife trafficking online. They are committed to reducing wildlife trafficking across online platforms by 80% by 2020. The related global wildlife cyber-crime action plan also includes commitments from its partners to work with companies to ensure that policies and reporting mechanisms for customers and users are easy to access and user friendly.

This has been an important debate, with a different conclusion from the debate we have been having all day on Brexit. It shows there is more to life than Brexit. The plight of our seahorses, which my right hon. Friend has highlighted, is important, and I hope I have been able to reassure him of the seriousness with which the Government take this issue, of the steps we have taken and of the global action we are taking to tackle this particular challenge.

Question put and agreed to.

8.15 pm

House adjourned.
Westminster Hall

Monday 26 November 2018

[Steve McCabe in the Chair]

**Fireworks: Public Sales**

4.30 pm

**Helen Jones** (Warrington North) (Lab): I beg to move.

That this House has considered e-petition 231147 relating to the sale of fireworks to the public.

It is a great pleasure to serve under your chairmanship, Mr McCabe. The petition calls for a ban on the sale of fireworks to the public and for a move to organised displays only. Numerous petitions about fireworks have been submitted through the Petitions Committee website; if memory serves, this is our third petitions debate about them. Debates on fireworks have also been initiated by hon. Members and numerous parliamentary questions have been asked about related issues. The Facebook page that we set up for comments on this petition has received 956 engagements and been viewed by 4,800 accounts, while more than 61,000 viewed the digital debate. That is a real measure of the public concern about the issue, which the Government ignore at their peril.

Let us be honest: a lot of us look at fireworks through the rosy glow of our childhoods, but we ought to remember that the occasions we look back on usually took place only on 5 November and were very limited in scope—in our case, it was dad letting off a few fireworks, with a packet of sparklers for the kids and a Catherine wheel that never went round properly and burned the shed door. Fireworks are now used on many more occasions. They are common at new year—when I was growing up, the most excitement we got at new year was train drivers sounding their hooters at midnight. Fireworks are also used on other occasions such as Diwali and Chinese new year, understandably, and they are even used on family occasions such as weddings and birthdays. As they have come to be used more frequently, they have grown more powerful and noisier. It was concern about that issue that led to the Fireworks Act 2003.

**Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): I am sure my hon. Friend agrees that at the moment perhaps one of the only things that unites the whole country is our love of animals. As she mentions, we have regulations on when fireworks can be sold but none on when they can be used. Surely, to protect our dear cats—like my beloved Thomas and Serena—from distress, there should be limits on when fireworks can be used throughout the year.

**Helen Jones**: My hon. Friend makes a good point, which I shall address later in my speech.

The 2003 Act, which began as a private Member’s Bill but was supported by the then Labour Government, was an enabling Act that allowed Ministers to make regulations to control fireworks and explosives.

**Stephanie Peacock** (Barnsley East) (Lab): My hon. Friend mentions our laws about fireworks. Although those laws are often enforced, cuts to local authority budgets have meant that the staffing levels necessary to enforce them have fallen by more than half in the past few years. Does she agree that that makes it a lot harder to regulate the use of fireworks?

**Helen Jones**: My hon. Friend is right, and she anticipates a point that I will make later.

The Fireworks Regulations 2004 introduced a lot of rules about the sale, possession and use of fireworks. They introduced a licensing system for those who sell fireworks all year round, limited the sale by other suppliers to dates around 5 November, new year, Chinese new year and Diwali, imposed a maximum decibel level of 120, and forbade the possession of adult fireworks—those in the F2 and F3 categories—in a public place by anyone under 18. F4 fireworks, which are the most explosive, can be possessed only by fireworks professionals.

**John Howell** (Henley) (Con): Will the hon. Lady give way?

**Helen Jones**: One more time, but then I must make some progress, in fairness to those who want to speak.

**John Howell**: The hon. Lady is being generous in giving way. May I pick up on her point about decibels? There is now a whole generation of almost silent fireworks with a reduced decibel level. Does she welcome their introduction to the market?

**Helen Jones**: “Silent fireworks” is a bit of a misnomer, because they are not entirely silent. Clearly they are welcome, but they do not solve many of the other problems associated with fireworks.

The 2003 Act and the regulations made under it have gone some way towards assuaging public concern about the issue, as have the Explosives Regulations 2014 and the Pyrotechnic Articles (Safety) Regulations 2015, which relate to the safety of fireworks as consumer products. But—and it is a big “but”—public concern seems to have risen again recently. I regularly get letters and emails at certain times of the year, as I am sure many other hon. Members do, from people who are concerned about the noise, pollution and antisocial behaviour associated with fireworks.

**Several hon. Members rose—**

**Helen Jones**: If hon. Members will forgive me, I need to make some progress, because a lot of Members are waiting to speak.

As my hon. Friend the Member for Barnsley East (Stephanie Peacock) mentioned, the problem is partly one of enforcement. For instance, an 11 pm curfew on fireworks is in place most of the time, with exceptions for new year and other occasions. Breaching the curfew can result in a fine, imprisonment or, if offenders are over 18, a £90 fixed penalty notice from the police. But the police have to be there to catch the perpetrators, and we have lost so many officers—21,000 since 2010—that chief constables are having to make very difficult decisions about where to deploy their personnel. Likewise, although a fixed penalty notice of £80 can be given to anyone under 18 in possession of adult fireworks, community policing has been so hollowed out that we have lost not
only police officers but 40% of the police community support officers who might have been able to catch and report on offenders. It is therefore very difficult to enforce the regulations.

Trading standards officers in local authorities face the same problem. Councils have been hit so hard by cuts that have they have had to pull back and carry out only their statutory duties. Trading standards officers have been cut and cut, which makes it very difficult to enforce the licensing system, prevent the sale of adult fireworks to anyone under 16 or prevent the sale of more powerful fireworks to anyone under 18. Trading standards officers do a great job, but there are simply not enough of them. For the same reason, many councils have cut back on organised displays because they can simply no longer afford to put them on.

The Government need to be very clear about what is happening. In January, the last time we debated the issue, the then Minister, the hon. Member for Burton (Andrew Griffiths), said in answer to my hon. Friend that he did not have statistics on the prosecution of fireworks offences because the Home Office did not collect them in that way. We do not know the trends, and we do not know about enforcement or whether it is working. One contributor to our forum wrote:

“So here we are 11 days after the official date and we are still getting fireworks being used.”

Many people have come to believe that the regulations are not being enforced. If the Government contend that the regulations are sufficient, they must ensure that the means to enforce them are in place.

Others have said clearly that they think it is time for greater regulation. One contributor said that the fireworks regulations need to be tightened, as there is enough evidence to prove that fireworks are being used inappropriately by persons willing to cause harm to people.

I have had many emails from people, as well as contributions to our Facebook page. Some have made the point that they use fireworks responsibly and without harm, which is true of many people. Some have told me, “It’s a tradition”—the good old British tradition of burning effigies of Catholics on a bonfire every 5 November, which some of us might find a little problematic, to say the least. We have even had people talking about the nanny state, and the classic, “It’s political correctness gone mad.”

I know the Government do not like regulations. Ministers always tell us how many regulations they have got rid of, but sometimes regulations are necessary for protecting the public. There is a balance to be struck in any society between the right of people to do as they wish and the harm caused to others. Let us be clear: even fireworks on sale to the public can cause significant harm. A fireworks professional said in a Facebook post that he had known even F2 and F3 fireworks to go wrong on displays, and that there would have been a serious injury had he not been wearing protective clothing. There is no such thing as a safe firework. Let us be clear: the harm they cause can be considerable.

Alex Sobel (Leeds North West) (Lab/Co-op): Will my hon. Friend give way?

Helen Jones: I will take one more intervention and then I must press on.

Alex Sobel: My hon. Friend is making an excellent speech. My constituents the Snell family had a dog, Queenie, who became increasingly sensitive to fireworks. A firework went off right by their house on the Wednesday after bonfire night, and Queenie became so inconsolable that she had to be euthanised. Does my hon. Friend agree that we should be licensing individuals to operate fireworks, and that only they should be allowed to buy them?

Helen Jones: The effect on animals has been raised with me, and I shall come to that in a moment.

Let us also remember the effect on people. Last year in England alone there were 4,436 visits to A&Es by people with firework injuries. That is more than double the figure of 2,141 in 2009-10. There were 168 admissions for firework injuries in 2015-16 and 184 last year. Admissions had been going down but they are now going up again. Let us remember that some of those will be catastrophic, life-changing injuries. The cost to the person concerned is incalculable, but there is also a cost to the NHS, through the strain on our A&E departments as more people are admitted. I know that family members who work in the NHS dread 5 November as much as firefighters do, because they worry about the injuries that they will see. Some are so bad that the British Association of Plastic and Reconstructive Surgeons has called for fireworks to be sold in boxes displaying pictures of injuries, rather than in what looks like packaging for sweets. It is certainly right about the packaging.

As well as injuring people, fireworks are a problem for animals, as several hon. Members have mentioned. I have been contacted by a number of people who say that their pets have to be sedated when fireworks are going off. They are supported by a number of charities, including the Royal Society for the Prevention of Cruelty to Animals, the Kennel Club and the Dogs Trust. It is fair to say that not all these charities are asking us to move to public displays only. The RSPCA wants the decibel limit reduced to 97 and would like the use of fireworks, not simply their sale, restricted to certain times of the year. It also calls for all public displays to be licensed and for residents to be able to object to the licence—something I will return to later. By contrast, the Dogs Trust would like us to move to public displays only.

Noise has an effect not just on animals, but on people. It particularly has an effect on elderly people and those with mental health problems such as post-traumatic stress disorder. Shoulder to Soldier is a charity that originated in the constituency of my hon. Friend the Member for Leigh (Jo Platt), and which also has an office in Howley in my constituency. It has campaigned vigorously to make people aware of the effect on some veterans of having fireworks let off near them and has been supported in that campaign by the Royal Society for the Prevention of Accidents.

With the noise goes pollution. For the five days around 5 November, particulate pollution was very high in this country. On 5 November itself, towns and cities across Britain, such as Stockton, Leeds and Sheffield, reached level 10, the maximum level of pollution.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): Will my hon. Friend give way?
Helen Jones: I will take one more intervention—the very last one—and then I must finish.

Mrs Hodgson: I am very grateful to my hon. Friend for giving way. On the issue of noise, 584 of my constituents have signed the petition, which is really high for my constituency. A number are concerned about the effect on animals, in particular the effect of the noise. It was also pointed out to me that a number of people will set off large amounts of fireworks at the same time, not for the effect in the sky but for the high decibel level and the noise. Is she aware that that is one of the problems we face?

Helen Jones: Yes, I am. My hon. Friend is quite right, and that goes back to the issue not only of regulation, but of enforcing it.

To return to pollution, we know that it has an immediate effect on people with respiratory illnesses—people, like me, who have asthma. We are also becoming increasingly aware that it has a long-term effect on children, particularly on the development of their brains and lungs. Maybe it is time to ask why we are contributing so much extra pollution.

I also want to raise the issue of the demands on emergency services, particularly the fire service. One of the pluses of coming from a very large family is that I have relatives everywhere. I did have relatives in the fire service, and they prayed for rain on some of those occasions because of the stress they put on them. In Greater Manchester this year, calls were running at one a minute at peak times. In Scotland, there were over 700 calls to 338 bonfires. A lot of those might be classified as minor fires—a fire is minor only if it can be controlled—but we should remember that while crews attend those incidents, they are not available for potentially life-threatening incidents elsewhere in their area. That means that fire engines would have to be brought from further away, and minutes count when saving a life.

If that was not bad enough, fire crews are increasingly coming under attack. I have had a number of emails from serving firefighters who raise this with me. They are quite right to do so, because even a cursory trawl through the various websites throws up lots of incidents. Crews had fireworks thrown at them in north Wales. In Manchester, a crew went out to an incident and were immediately attacked by a gang throwing fireworks. The police were called, and it took 90 minutes to bring that incident under control—90 minutes when that appliance was unavailable for a fire elsewhere. That incident also threatened the lives of the crew.

Crews have also been attacked in Scotland. In Glasgow, riot police had to be called because people were throwing fireworks at houses and cars and then at the police who came out. To see how horrific the situation is, I urge the Minister to look at a video that was put online by the West Yorkshire Fire and Rescue Service—a firefighter elsewhere sent me the link. It shows video footage that was taken by a camera on one of their appliances. The crew come out to what looks like a fairly small fire, and they are immediately attacked by a gang of people throwing fireworks at them. It is really horrific. Why are we subjecting our emergency services—not just the fire service, but ambulance crews and the police—to that kind of attack, day in, day out, year after year?

People will say, “Well, fireworks don’t cause antisocial behaviour.” Of course they do not. Knives do not cause knifings and chemicals do not cause blinding, but we regulate them because they can be used to ill effect. The same is true of fireworks. It is time we moved forward with this issue. I love a fireworks display, but I am happy to watch an organised display somewhere where everyone is safe.

Mrs Hodgson: Will my hon. Friend give way?

Helen Jones: I am going to wind up, if my hon. Friend will permit me.

Even organised displays need regulating. I was struck by an email I received from a lady who lives in a small village near a wedding venue, which has had display after display this year. She said that, each time, the residents have to be out with their animals in the fields to stop them from panicking. She told me that she lost a Jacob lamb because the ewe ran away frightened and would not come back. Another person said on our website that, as an agricultural worker, they have seen too many horrific injuries to their horses and other animals. Let us remember that we are talking not simply about pets, but about people’s livelihoods. We ought to bear that in mind.

It is time to act. If the Government are not prepared simply to move to organised displays, there are other things that they could do. They could raise the age for buying fireworks or restrict use, as well as sale, to certain times of the year. They should ensure that the police and local authorities are given the wherewithal to enforce the regulations. If they will the ends, they have got to will the means.

I must confess that I am a reluctant convert to organised displays, but I do not believe that continuing things as they are is worth the NHS admissions, the attacks on emergency service personnel or even one child being seriously burned and blinded. We will have petition after petition and debate after debate until the Government start to take notice. This is becoming a serious issue about public order and antisocial behaviour. It is time that the Government took it seriously and acted on it.

Several hon. Members rose—

Steve McCabe (in the Chair): Order. This debate can go on until 7.30 pm, so there is plenty of time. We have been notified that 12 hon. Members would like to speak. It will be easy to get everyone in if they exercise just a bit of self-restraint.

4.53 pm

Bill Grant (Ayr, Carrick and Cumnock) (Con): It is a pleasure to serve under your chairmanship, Mr McCabe.

We nurture and protect our children as they grow up, testing the temperature of the bath water, ensuring fireguards are in situ, and teaching them not to play with matches and lighters, so why do we permit them fireworks, despite the law? In my youth, the content of a box of fireworks was usually a rocket to be launched from an empty milk bottle, a Catherine wheel to be pinned to a tree trunk or the shed door, a banger, a sparkler or even a jumping jack—I understand that
they have wisely been banned. They were fun; I should not really say that, but that was when I was a kid. It was quite some time ago that I had access to fireworks as a child. Nowadays, the pyrotechnics are powerful. The colourful and dynamic packaging and posters are clearly aimed at enticing people to purchase fireworks. I appreciate that there is an age limit on purchases, but regrettably, in many instances, they still fall into younger, inexperienced hands.

All emergency services, including accident and emergency, view 5 November with trepidation, not so much because it is one of the busiest days of the year, but because of the casualties—in the main young people, who are injured or maimed for life. Jack Kirkland, in his book “Blue lights and bandages”, in which he recounts his experiences as a member of the Scottish Ambulance Service, speaks graphically of many bonfire night injuries, including that of a boy who had been carrying fireworks in his pockets when they went off, causing serious burns and injuries, which he carries to this day.

I was a fire officer for 31 years, and I have seen for myself horrific injuries from stray or thrown fireworks. The problem relates not just to the visible, physical injuries, but to the hidden acoustic stress to humans, pets and other animals, and there is the potential to cause further mental trauma for those with post-traumatic stress disorder. As was said earlier, fire crews can be set on fire by fireworks or move in danger in the path to the front gates in the run-up to 5 November and afterwards to avoid the fireworks flying overhead. Fireworks are clearly getting into the wrong hands. Does the hon. Gentleman agree that, if they were invented tomorrow, we would never allow them to be on sale so freely?

**Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op):** I vividly remember being at school and having to dodge my way along the path to the front gates in the run-up to 5 November and afterwards to avoid the fireworks flying overhead. Fireworks are clearly getting into the wrong hands. Does the hon. Gentleman agree that, if they were invented tomorrow, we would never allow them to be on sale so freely?

**Bill Grant:** I wholeheartedly agree. Despite the law and the regulations, fireworks are so easy to purchase. Pop-up shops that come to our towns sell them to whoever has the money. Perhaps the reputable retailers do that less so, but we have to ask ourselves, as parliamentarians and parents, why should fireworks be on sale on our high streets?

I support a ban on the sale of fireworks to the public. I would prefer organised events by certified, competent persons, who would carry out risk assessments and put in place control zones to ensure public safety. That would be a sensible thing to do, and it would allow people still to enjoy organised events. I do not want to ban fireworks entirely, but they should be used at proper organised events.

If the Government will not ban fireworks, and I think that is their position, we should at least consider applying standards similar to those used for other items that have the potential adversely to affect public health. For example, in recent years, the packaging, display and advertising of cigarettes have been muted. Should it not be the same for fireworks?

It has been suggested that graphics depicting horrendous injuries would deter some from purchasing fireworks, but if we think of the many graphic games that young people play on their computer consoles, which show scenes of terror and horror, might we not just be whetting their appetite with such packaging? I would prefer plain, unattractive packaging. I am also fearful that graphic packaging could cause distress to those suffering from PTSD.

I spoke in a fireworks debate earlier in the year, and I recently hosted a drop-in session in Westminster for MPs that was co-organised by the Dogs Trust, Blue Cross, Battersea Dogs and Cats Home and the Kennel Club. About 40 MPs signed up and undertook to consider introducing further restrictions around the sale of fireworks, such as limiting them to licensed public occasions and organised events. One recommendation was that local authorities should pay attention to the location for which a licence was sought, and that if one was granted, pet owners within a given radius should receive adequate notification so that they could make the necessary preparations—almost like neighbour notification.

I would thought have that, although individual fireworks in categories F1 to F3 may contain only small quantities of explosive, we should, in the interest of security, be eliminating the potential for someone to amass fireworks for illicit purposes by placing a ban on their sale to the general public.

If the UK Government do not back legislation introducing an outright ban on the sale of fireworks to the public, I ask the Minister to consider amendments to plug potential loopholes in the existing legislation. I appreciate that responsibility for fireworks is split between the UK and Scottish Governments: the former regulate their sale as a consumer safety issue, while responsibility for the use of fireworks has been devolved to the latter under the Fireworks (Scotland) Regulations 2004. The Scottish Government will carry out a consultation on the use and regulation of fireworks in Scotland, including on ways to reduce antisocial impact of fireworks, and I, for one, welcome that consultation.

I would, however, ask both Governments to consider the following scenario, which my constituents have drawn to my attention fairly recently. In my constituency of Ayr, Carrick and Cumnock, there are many stunning venues for special events such as weddings, and a growing...
tendency—strangely—for fireworks to feature as part of those celebrations. Such events are more frequent than the annual Guy Fawkes night and, as some venues are situated in residential areas or near livestock facilities, neighbour nuisance is a very real issue.

Constituents advise me that some venues devolve responsibility for the fireworks display to the customer, who engages a private company that sets up the system and lets off the fireworks from nearby private land, which makes it extremely difficult for local authority officers to police events and take any follow-up action. If the existing legislation does not catch such creative arrangements, surely Governments need to be equally creative to protect the wider public, taking account of proportionality and balance of convenience.

I say to the Minister that it strikes me as strange that, given the innovation and the availability of silent fireworks and light shows, we have not moved on as a nation and, as has been mentioned, are still repeatedly debating the contentious matter of fireworks and the distress and the injury they cause not only to humans, but to pets, livestock and wild animals. Years later, we are still dealing with the issue of fireworks—do we really need them? Let us give due consideration to introducing regulation to reflect a modern approach to fireworks, dealing with the issue of fireworks—do we really need them? Let us give due consideration to introducing

5.2 pm

Alex Norris (Nottingham North) (Lab/Co-op): I enjoy taking part in e-petition debates, because although our world is governed by the parliamentary timetable, which often relates to Brexit, e-petitions are a good insight into what people are talking about and what they care about—they reflect thoughts that have captured the moment. Petitioners would not get to 100,000 signatures by getting 100 every day for 1,000 days. That is not how it works; it is about capturing the energy. The level of support for the petition, as well as the time of year that it was garnered, shows that it has captured a mood. It is important that we have a proper debate about it, and that the Government act and are clear about how they intend to do so.

When I talk to people in my constituency of Nottingham North, I hear familiar refrains—I suspect hon. Members will have heard the same in their communities—such as, "Bonfire night used to mean fireworks a couple of nights a year but now it means a good fortnight or so of disruption," or "Fireworks are being set off earlier and earlier every year". By any measure, there has been a fundamental shift in the availability of fireworks and in the way that people view them.

My interest in the subject is not about banning a good public fireworks display. For families and everyone else in the community, it is an event on the annual calendar on which we come together and enjoy an exhilarating night. I do not seek to discourage such events, which are traditions just like Christmas, Easter, Halloween and new year’s eve. As long as they are done properly, with safe displays and people who know what they are doing, these events are safe and exciting fun for everyone in the community.

Sandy Martin (Ipswich) (Lab): We have an enormous fireworks display in the centre of Ipswich every year. Getting on for half the population of Ipswich seems to turn up. It is a wonderful occasion that is not just about fireworks—people come together for singing, dancing and food—and it is all absolutely safe. Does my hon. Friend agree that such events are the way forward?

Alex Norris: I think I shall be going to Ipswich next November—that sounds wonderful. The situation is very much the same in Nottingham; we have big events, and they are a good way to celebrate and enjoy. The petition shows that it is the things happening beyond those events, in our streets and in our parks, that cause real distress. Technology has moved on and the availability of fireworks has changed, and we have to move with the times.

I am conscious of time and know that many colleagues wish to speak, so I will come to my focus, which is the impact of prolonged periods of firework displays on household pets and the lives of their owners. Since my election to Parliament, I have been working closely on that with the Dogs Trust, and am keen to continue supporting them in championing the issue. I am the proud owner of two border collies, Boomer and Corona, who are such wonderful border collies that, as Members might know, they were joint winners of this year’s Westminster Dog of the Year competition. Please excuse that digression—I tell everyone that I meet. That can never be taken off me. The theme of the competition this year was fireworks, and the reason that we won was that Corona is particularly badly affected by them. We talked about some of the coping strategies we have developed, which I will touch on shortly. One of my commitments as an MP is to tackle the issue and it is something I am keen to do.

We are a nation of animal lovers, and that is not just about dogs. Cats Protection, Blue Cross, the Kennel Club, Battersea Dogs and Cats Home and many others have called for action. For these charities and more, it is clear that the sheer number of fireworks displays that take place in the UK around bonfire night is having a detrimental impact on animal welfare. I use the word “display” broadly; this is not just about organised displays, but all fireworks events—from someone letting one off in a park, to the full-blown displays.

Why is it such a problem? Why, as a pet owner and having spoken to pet owners in my constituency, do I think that the issue requires action now? As my hon. Friend the Member for Warrington North (Helen Jones) said, people have been setting off fireworks in their gardens for years. What has changed? Well, the situation is different in terms of the scale and availability of fireworks. From 1 November—if not from Halloween, but certainly from the moment it has passed—pet owners get home from work, it is already dark as the clocks have changed, and they know they are going to have a shivering pet to deal with. They try to do all the things they need to do when they get home, but cannot take the dog out because it is petrified and, when there are fireworks going off, the dog might not want to walk or will not walk on certain streets, which is also a problem.

Dog owners might unlock their front door to be greeted by their dog cowering in the corner, and spend their time trying to ameliorate that with whatever tactics they can. We put a shirt on Corona, which acts like a swaddling coat, and that eases it a bit. Others have other solutions. That takes time and—I do not have children, but I suspect that this is analogous to having a baby—
that. We spent our evening sat in the middle of Derbyshire.

We accept that on 5 November, fireworks are inescapable, so our coping mechanism for bonfire night was to put our two dogs in the boot of the car and drive to the middle of nowhere. We thought, “Let’s try and get out of the city, as far away as we can”, and as hon. Members can imagine, that is actually really hard. Part of the problem with the countryside is that sound carries, and clearly we are such city dwellers that we had not grasped that. We spent our evening sat in the middle of Derbyshire.

Mr Jim Cunningham (Coventry South) (Lab): Quite frankly, my hon. Friend should not have to do that—that is the nub of the problem. I agree with my hon. Friend the Member for Warrington North (Helen Jones), and I am sure that she would agree that we have debated this issue like nobody’s business over the years, but nothing seems to happen. We must look at the manufacture and contents of fireworks and at how they are police, while certain events should require licences. The weakness in the system is the lack of trading standards officers to police fireworks. Why should the police have to do the job of trading standards officers?

Alex Norris: As a local authority councillor in the years before I was elected to this place, I had an excellent relationship with trading standards and would always stand up for their work keeping dodgy booze and fags out of children’s hands. Fireworks are another good example of their excellent work but, as my hon. Friend the Member for Warrington North said, they also have considerably diminished resources.

On 10 November, the night before Armistice Day, which was a Saturday this year, my wife and I went to a dinner near the city of Nottingham to commemorate it with the Western Front Association. Just before there had been a big flurry of fireworks, although the 10th is getting on for a week after bonfire night. It was a black-tie dinner—not what I am used to going to—but we had to take the dog with us. We went to this incredible dinner at Nottinghamshire County Council’s county hall and we had the dog in the boot, because in a dark, enclosed space he was a little happier. We were able to keep popping out to see that he was all right. As my hon. Friend the Member for Coventry South (Mr Cunningham) said, it just should not have to be that way. We are in no way unique.

Fireworks are now commonplace for birthday parties, family celebrations and lots of other things. We do not want to stamp out that joy—we are at our worst if we look like killjoys or as if we are humourless—but we have to accept that things are different, and we now have a night-time wall of noise stretching from the beginning of November for pushing a fortnight.

Fireworks may be sold by any person over the age of 18 between 7 am and 11 pm every day of the year. There are not many comparable situations in which we so willingly hand explosives over to people who do not know how to use them, other than by reading the leaflet. That does not seem like a good idea. It is easier than ever to put on private displays, and people are clearly choosing to do so.

In the run-up to 5 November this year, I did a campaign in conjunction with the Dogs Trust to raise awareness of some of the real issues pets face at this time of year and to encourage people positively to behave differently. We highlighted some of the key tips suggested by the Dogs Trust, such as attending organised community displays to reduce neighbourhood disturbance, limiting fireworks displays to half an hour if they are set off in your garden, or—a big one, which we would have really appreciated—people letting their neighbours know in advance when they plan to set off fireworks so that those neighbours can plan what to do. On 5 November, we knew that our neighbour would be letting off fireworks right next to our house, so we knew that we had to get out the house.

Mohammad Yasin (Bedford) (Lab): Using fireworks illegally could result in prosecution, a fine of up to £5,000 and a prison sentence of up to six months, or an on-the-spot fine of £90. Does my hon. Friend agree that were the existing laws enforced, a lot of the issues would be solved, but that the laws are not being enforced?

Alex Norris: Yes, of course. Sanctions are only as strong as their enforcement regime. Without trading standards or community policing to enforce the powers, they will fundamentally not act as a deterrent. I take that point on board.

To conclude, as a Parliament we have been given a clear nudge from people who want us to think about all that. I have not been in this place a long time, but this request is clearly not before us for the first time. People are looking to see that we get it on this issue. The nature of how fireworks are used has changed, so Parliament needs to consider it and, ultimately, the Government need to act. If they believe that the regulations are sufficient, they should be very clear about that and about the enforcement toolkit involved. Pets give us so much, and having them is certainly a big part of my life. It sounds funny to say that I am in the Chamber today to stand up for pets and animals in general—they do not have a vote at the ballot box, but I do not care about that. Fundamentally, fireworks can cause an awful lot of distress and it is time we acted.

5.13 pm

John Howell (Henley) (Con): It is a great pleasure to serve under your chairmanship, Mr McCabe, and to follow the hon. Member for Nottingham North (Alex Norris).

When the hon. Member for Warrington North (Helen Jones) started her speech, she made a throwaway remark about how, when we think about fireworks, we might look back to our childhoods. I do not look back to my childhood when thinking about fireworks, because the displays I attended were absolutely awful.

I have three reasons for not looking back to those fireworks displays with much enthusiasm. First, I do not think much of Guy Fawkes night. Why we celebrate the
burning of a Catholic on that occasion is bizarre. Why we go to the effort of throwing the guy on the fire and letting off fireworks in celebration of it seems strange. Secondly, about letting off fireworks and, frankly, I found that effort too much when I had smaller children and was a child myself. Thirdly, for many years, until she died, I had a Labrador as a pet. We, too, had to take measures to ensure that she was out of the way when firework displays took place.

I do, however, like some displays. Almost every year on new year’s eve, I come to the House of Commons, partly for the sociability of the occasion, but also to see the Eye firework display across the Thames, which is spectacular. We can look at the displays that take place in other parts of the world—Sydney, for example—but the display put on from the Eye by the London authorities shows this city as the brilliant city that it really is. I enjoy that myself, and bringing friends and family.

Toby Perkins (Chesterfield) (Lab): The hon. Gentleman is making a rather curmudgeonly speech about fireworks, if he does not mind me saying so. I understand the point he makes about the huge display here in London, but a great deal of enjoyment is found by many different people in smaller displays in their local communities. My children greatly enjoy going to our back window to see the displays over Chesterfield, such as on fireworks night. Smaller displays can be tremendously enjoyable, but we are all concerned that those people who use them irresponsibly or cause danger. They are the ones we want to clamp down on.

John Howell: I thank the hon. Gentleman, and I will try to be less curmudgeonly. I did not intend to sound like that, and am sorry it came across that way.

I was introduced to this subject by my local paper, the Henley Standard, which before Guy Fawkes this year ran a campaign, Ban the Bangs. I fully support it, though I had some observations to make about it. The people who participated in the campaign were principally pet owners—dog and cat owners—and one said that she and her dog “tremble uncontrollably” and “are very, very upset”. It is important to bear that in mind.

The campaign was trying to push people to go to organised displays. Despite comments that have been made, in my constituency such displays are organised not just by the district and county councils but by individual parish councils—I will come on to say something about that—which are good displays organised by the parish councillors themselves.

I was struck by something said by one of the participants in the campaign:

“I don’t want to spoil people’s fun but why are they so loud?”

That is an important point: we do not want to spoil people’s fun, but why are fireworks so loud?

The hon. Member for Warrington North referred to silent fireworks in response to my intervention. I appreciate that they are not entirely silent, but they are a lot more so and they could play a part in dealing with the situation, although they do not take away the whole problem. They take away the noise problem and the argument about fireworks being very loud, but they do not take away the problem of flashes, which often cause the most distress to animals. Many animals can cope with the increased noise—they cope with things such as traffic backfiring all the time—but they cannot cope with the sudden flashes. Although silent fireworks have their role to play, they do not answer the whole question.

There is a tremendous amount in the idea of us working together to provide organised displays for people to go to. There is an argument about fireworks being very loud, but they do not take away the problem of flashes, which often cause the most distress to animals. Many animals can cope with the increased noise—they cope with things such as traffic backfiring all the time—but they cannot cope with the sudden flashes. Although silent fireworks have their role to play, they do not answer the whole question.

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John Howells: I thank the hon. Member for Warrington North (Helen Jones) for opening today’s timely and topical debate and for covering so much of the territory.

Complaints about fireworks are an annual and seasonal occurrence, as I evidence in my office, and I have no doubt they increase year on year. I am grateful for the work of the Firework Abatement campaign, which has highlighted hundreds of incidents that have occurred, mostly from October onwards, and it sums up the problem succinctly as random and unexpected use. I have certainly seen evidence of that in my office, which has been inundated by complaints since October. It came as no surprise, when I saw the statistics on this e-petition, to discover that the West Lothian and Falkirk constituencies were among the top for signatories to the e-petition. Livingston came out top, followed by Linlithgow and East Falkirk, and Falkirk had the fifth-most signatories. Scottish constituencies were more likely to have a higher level of signatories on this issue than on many of the e-petitions I have seen.

I welcome the fact that Scotland is to have a consultation on fireworks next year. The regulation of the sale of fireworks is regarded as a consumer safety issue and, as such, is a reserved matter. The Scottish Government Minister for Community Safety, Ash Denham, wrote to the UK Government to request an update on their position on the sale of fireworks and was informed that there are no plans to consider legislative change.
The position on the use of fireworks is a little more complex; the Fireworks Regulations 2004 cover antisocial use in Scotland, apart from regulation 7, which relates to curfews, which are a devolved matter. Curfews in Scotland are covered in the Fireworks (Scotland) Regulations 2004, which, similar to England, prohibit use between 11 pm and 7 am, with certain exceptions.

Enforcement of curfews primarily is a matter for the police. Excessive noise from fireworks or noise during the curfew period can be considered a statutory nuisance. Local authority environmental health officers have the power to investigate complaints of fireworks noise, but I can think of much better uses of both police and environmental health officers’ time than pursing the inconsiderate use of fireworks. I would much rather they focused on the dangerous use of fireworks, where they are used recklessly and potentially endanger others, although that remains a fairly small minority of fireworks users.

The majority of firework use is, without any doubt, responsible—often by families in private gardens at a reasonably early hour of the evening around bonfire night, or to mark celebrations of family, cultural or religious events. Nobody wishes to remove people’s ability to enjoy fireworks, which is why I would prefer fireworks to be restricted to licensed displays and the general public perhaps restricted to purchases of silent fireworks.

The vast bulk of complaints I receive from constituents on this issue relate to noise; in most cases, the noise occurs outwith any curfew period and therefore does not break existing regulations. Something needs to be done, as severe distress is being caused to people suffering from post-traumatic stress disorder or to those with other mental health issues, and to animals. It is random, unexpected noise that causes many problems. When people know the timings in advance, as is the case with organised displays, it is pretty easy to take precautions, such as putting on some music. My cat, Porridge, quite enjoys it when I put on a bit of soul—not just soul—and I was grateful to hear from the Battersea campaign, which works with the University of Lincoln, that dogs find reggae and classical music most relaxing. I did not know that prior to this debate.

The effect on animals was the biggest area of concern raised by multiple constituents. Many sent me videos and stories of their dogs, cats and horses suffering from severe acoustic stress. I will detail a small but representative sample of concerns raised with my office this year alone. One constituent stated that she has two dogs, one of which is a nine-year-old Rottweiler that is terrified of firework noise. His heart rate increases greatly, he cries continually throughout the bangs and other noises, and is too frightened to go outside. For a period after the noise ceases, he is anxious and extremely clingy. He paces, does not eat or sleep, and is simply not able to relax or settle. My constituent has huge concerns about the effect all that has on the dog’s welfare.

Another constituent stated that her little girl woke up in floods of tears due to fireworks going off. Another constituent advised that she could feel the explosion from the fireworks through the floor of her house, and that domestic rubbish bins were targeted. One constituent, who is a registered veterinary nurse, advised of the animal distress that she had seen due to fireworks. Another constituent stated that she is a teacher and is very concerned about the safety of her students around fireworks. She believes that most teenagers are responsible and caring, but it only takes the action of one reckless person to alter the course of someone’s life. The resulting trauma is a drain on NHS resources, and our emergency services are abused when attending unsafe displays that can get out of hand.

Another constituent went even further than the hon. Member for Nottingham North (Alex Norris). She has two dogs that are so terrified by the noise that she took them away for a week to a cottage in a remote area at a cost of £800, so that her dogs could relax stress free. People should not have to go to those lengths.

Perhaps the most upsetting complaint I received this year was from a woman who advised that she “had the tragedy of having to put to sleep one of my horses. It was scared by fireworks and ran into a fence causing a terrible wound which he wouldn’t be able to recover from.”

Those are just some of the complaints my office received this year.

Most issues could be resolved by limiting noise. After about three weeks of complaints, I raised that in a written question tabled on Monday 5 November, after the heaviest weekend of fireworks. I asked whether the Government had plans to amend the regulations on the sale or use of fireworks to reduce the maximum decibel level of fireworks purchasable by the general public, and to encourage the use of low-noise fireworks. I fared no better than the petitioners or the Scottish Government at getting the answer I was after. I was advised:

“There are already controls on noise levels for fireworks and it is an offence to supply fireworks exceeding 120 decibels to the public. There are no plans to amend the regulations to reduce this level.”

My internet research, which I did for comparison purposes, shows that that is higher than the 100 dB noise of a jet take-off measured at 305 metres, or what I am told is the average human pain threshold of 110 dB.

I ask the Minister seriously to reconsider this issue. It simply will not go away by itself, and doing nothing is not an option. My proposals on organised fireworks displays and the sale of silent fireworks to the general public would solve most of the noise problems, allow pet owners to make suitable arrangements for the times of organised displays, and let police and local authorities concentrate on the genuinely dangerous misuse of fireworks, their unlicensed sale and so on.

5.30 pm

Alex Chalk (Cheltenham) (Con): It is a pleasure to be able to say a few words in this debate. The petition is quite stark—it proposes banning the sale of fireworks to the public and limiting displays to licensed venues. There is no doubt that that would mark a significant departure. Wherever one stands in this debate, it is important to recognise that that is potentially quite a draconian step. Parliament should think very carefully before infringing individual liberties excessively.

One cannot take that argument to the extreme—we infringe liberty for perfectly good public policy reasons all the time—but we must recognise that we have to strike a balance between the liberty of the individual and social welfare. It is important to recognise that,
were we to follow through entirely with what the petition proposes, we would in effect outlaw individuals having small fireworks displays in their back garden and so on. It is important also to note that such individuals may not have the money to go to a public display. Be that as it may, there is concern that things have moved on to the extent that that balance is now being looked at slightly differently. Let me give an indication of that.

I suggested on Facebook that I would speak in this debate, and I invited people to engage with me. I was astonished by the level of interaction by people in Cheltenham. They argued on both sides of the debate, but one thing shone out. One person suggested that “firework usage has got completely out of control.” Someone else indicated that many fireworks were let off in the street, particularly in the town centre, and another person pointed out that they were let off over an extended period. In other words, something appears to have changed in where and the extent to which fireworks are used. That may cause us to look again at the balance we need to strike between individual freedoms and the rights of the wider public.

Let me deal first with the point about where fireworks are let off. As I indicated, someone wrote that they were let off in the town centre. Another person wrote on Facebook: “In Rowanfield people let off fireworks at all hours of the day and night (several times we had them go off in the middle of the night repeatedly, right above our house). I think there are a few who let the side down but unfortunately it means that I am FOR banning the sale of fireworks to the public. People should be encouraged to go to official events instead.”

Right there we have an individual saying the balance needs to be struck differently. Another person wrote that fireworks had dented the roof of his car. I recognise that those may be the actions of an idiotic few, but there seems to be little doubt that they are growing in number, and that is having a significant impact. The second point, about fireworks being let off over an extended period, has been made already.

The third issue is the impact of fireworks, which other hon. Members touched on. Someone wrote: “As the owner of four rescue dogs, fireworks are a huge problem.”

We have an animal rescue shelter in Cheltenham, and there are a huge number of rescue dogs in the town.

Another piece of feedback particularly resonated with me. Someone wrote: “As the wife of a veteran, wholeheartedly support this.”

We must recognise that, increasingly, we have people in our society who may be distressed by fireworks. That ought to be taken into account.

Although I recognise that the Government will have to consider this issue, I also recognise that we need to strike a balance. We should proceed with care. It is not enough—he says, speaking against his own argument—simply to act on the basis of anecdote. If the Government are to act, we have to ensure that there is proper evidence. It is perhaps inevitable that there is more feedback around the firework period. We need a scientific process to establish whether that is simply a spike or a recognised long-term issue—we need an empirically based assessment of whether the problem has got worse.

I invite the Government to look at proceeding incrementally with a calibrated response. They might want to consider whether there are other proportionate measures to address the problem; other hon. Members mentioned some. Should we increase the age at which people can purchase fireworks? It is already 18, but is there a case for increasing it still further? Is there also a case for restricting the use of fireworks—not just their purchase—to certain times of year?

In a free society, we in Parliament should be slow to restrict individual liberties, particularly where there might be an impact on individuals who are not able to attend other fireworks displays, but we should look at the issue none the less. There is a huge number of excellent organised displays in Cheltenham. Other hon. Members mentioned displays in their constituencies. We have Cheltenham Round Table fireworks at the racecourse, which attracts 10,000 people and raises money for the Sue Ryder hospice in Leckhampton and so on. Fairview fireworks party at Cheltenham cricket club raises money for St Vincent’s and St George’s Association. A number of people wrote to say that we should encourage people to attend those displays, so as to put more money in the pockets of local charities that do such invaluable work.

That is a powerful argument, which ought to be weighed in the mix.

I invite the Government to recognise that there is a problem, establish its scale on the basis of empirical evidence and consider incremental, proportionate steps to address the problem as they find it to be. If, all those things having been done, there remains a growing issue in our society, the Government will have to look with great care at imposing the kinds of measure set out in the petition. It is certainly my experience that this problem cannot be ignored.

5.37 pm

Susan Elan Jones (Clwyd South) (Lab): It is a pleasure to serve under your chairmanship, Mr McCabe. It is good to see this issue being debated again following another public petition—I think this is the third time it has been debated in one form or another. I congratulate my hon. Friend the Member for Warrington North (Helen Jones) on the thoughtful way in which she led the debate. I had the privilege of leading the debate on fireworks in January, when I was a member of the Petitions Committee.

One thing that strikes me, as it did in January, is that no Member who has spoken thinks everything is okay and there should be no change. Although people think that slightly different things should be done, absolutely nobody has backed the status quo. I therefore say to the Minister that, wherever we go next, there must be some sort of Government review of this issue. There is great concern about it in our communities and, clearly, among Members from all political parties.

I was intrigued by the start of the speech by the hon. Member for Henley (John Howell). All of us who spoke in the debate in January declared an undying love for the informal fireworks gatherings of our childhoods, so it was interesting to hear his case. Indeed, we could not have been more 1970s had we come through the door of the Chamber on space hoppers. We heard all about the Catherine wheels, traffic lights, sparklers and rockets. It was interesting to hear his case.

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[Susan Elan Jones]

Those were certainly seen as informal community events. One of the big differences then was that everyone knew when bonfire night was—it happened every year on 5 November. There may have been more such informal displays, but we certainly almost never heard about antisocial behaviour such as arson or attacks on emergency services personnel. That never seemed to happen. It is not surprising that public reaction to this now is different, because I think the nature of the beast at hand is different too.

Many hon. Members today have raised the issue of animal welfare. I am not personally a dog or cat owner, but if I were, I would live in terror, given what it must be like for them every time there is a noise or a bang, or when someone thinks it is funny to have an informal display in the middle of the night. That causes clear distress for animals. I am not surprised that even those who want the most lenient of regulations want a firm commitment on reducing decibel levels. It is not just domestic pets that are affected; in rural areas, it is also livestock. Ten years ago, nobody batted an eyelid if a Chinese lantern went wherever—it was our inalienable right to send up Chinese lanterns, which seemed to have an inalienable right to burn parts of farms and the like—but then the debate on that changed. In much the same way, what we are seeing with fireworks is a great change.

My hon. Friend the Member for Warrington North mentioned North Wales police and antisocial behaviour, and there have been multiple incidents. Often we see fireworks being used not merely in an obstructive, noisy, unpleasant and badly behaved sort of way, but deliberately against firefighters, the police and ambulance staff, as well as members of the general public. It is simply not acceptable. It is sometimes linked to other forms of violence or arson attacks. Clearly, this is not what informal community displays were supposed to be like.

I agree with my hon. Friend that there are clearly issues around enforcement. Our police and firefighters are dealing with many issues that arise from restricted budgets, and the chances are that dealing with people who are being a nuisance with rockets, noise and a bit of fire somewhere is probably not going to come high up the list of priorities.

One of the interesting issues raised when we discussed this last was the international comparisons. Some Members gave interesting examples. I remember hearing about one state in the United States that had extremely liberal gun laws but had banned all fireworks, including the humble sparkler. There may have been a right to bear arms, but there was not a right to bear sparklers. That may be a fairly extreme example, but it is an interesting case. There are many countries with different views on liberties and all the rest of it, but they recognise fireworks for the danger that they can pose.

I urge the Minister to have a proper review of the issue; it really is time for one. Many Members have had letters and emails, and constituents have raised the issue with us. We have seen debates in local and national newspapers and we have seen the strength of feeling with petitions like this one. I cannot remember anyone saying, “It’s great as it is at the moment. We think it’s absolutely fine. We think the law, as it applies to sales, is absolutely fine.” We all know perfectly well that even though one can make a case that the law as it applies to sales is fairly reasonable, what is not reasonable is that there is no limit whatsoever on the days when fireworks can be used. I know that the Minister will say that there are limits on the times, but then we come back to the issue of enforcement.

I hope that the Minister will take on board all the issues that have been raised in the debate and everything that the petitioners have said, as well as the variation of views. Some people may not agree 100% with the petitioners, but practically everyone wants a change in the law. I really hope that the Government will act.

5.45 pm

Alison Thewliss (Glasgow Central) (SNP): It is a pleasure to see you in the Chair, Mr McCabe. I am glad to have the opportunity to speak on behalf of my constituents, including the 595 people from my constituency who signed the petition.

This is becoming a regular debate. I have seen the Minister’s response to the petition and it is hugely disappointing, because my constituents do not have confidence that their concerns are being listened to or that action will be taken on them. My constituents in Glasgow Central are increasingly concerned by the escalation in violence around fireworks. On 5 November, my inbox and my Twitter feed was inundated with videos, pictures and complaints, particularly from people in Pollokshields, who were finding that fireworks were being used as weapons in their community. They are extremely disturbed by that. The Pollokshields community council is having a public meeting tonight, which has had to be moved to a bigger venue, such is the concern in the community. They expect the Government here, which has the responsibility for firework sales, to take action on their concerns, which I will outline further.

Concern is not confined to Pollokshields. Constituents in Govanhill were concerned to see fireworks being let off in the streets, some tied to railings in the middle of the road and let off at cars. People in Bridgeton were concerned by the uprooting of an entire back fence of a community garden to be used on a nearby bonfire, at a cost to the community to replace. These incidents occurred even with the big public display in Glasgow Green nearby. People did not have the excuse of there being nowhere else to go and nothing else to see. The public display was literally at the other end of the street, but people still went ahead and did that.

A resident in Strathbungo, who has been plagued by fireworks as well, points out that it is illogical and bizarre that people are allowed to go out in this country and buy explosives for their own use. That really ought to change.

Mrs Hodgson: Is the hon. Lady as concerned as I am about fireworks being used against firefighters? She has given examples of fireworks being used against members of the public, but in my constituency on bonfire night, firefighters in Sunderland were ambushed by a gang of youths in one of the communities, who had set fire to a car with fireworks. They had put the car over the bonfire and the car was alight. They then used other cars—what they call criminal pool cars—to block the estate, so the firefighters were trapped. The only reason the firefighters got out was because one of them had
experience from the Meadow Well riots. Is the hon. Lady as concerned as I am that we are selling explosives that are used against firefighters as well as the public?

Alison Thewlis: The experience that the hon. Lady describes is absolutely terrifying. No community should have to put up with that. The firefighters and emergency services staff should not be put at risk when they are trying to go out and help the public.

I want to mention the impact on my local police in Glasgow. The police were prepared. They went out and visited the offenders from last year and they visited shops and did test purchasing. They did what was within their power to do. Under current law, they are not able to seize fireworks, if people have them, so even if they found them, they would not be able to take them away. They were taken aback, particularly by the aggression towards the police on the night. Fireworks were being quite deliberately fired at local police officers. It was by good luck, more than anything else, that nobody was injured. Local residents were calling the police from their flats, saying that this was happening. When the police turned up there were 30 to 40 youths and young adults—not just kids, but adults as well—firing industrial scale fireworks, not small bangers, along the streets, at flats, up closes, in buildings, and towards and underneath cars. It was really quite frightening.

I will send the Minister some of the footage, which is on Twitter. Some additional footage that the police have shown me is absolutely terrifying. It was more by good luck than anything else that no one was more seriously injured. I understand that in another incident in Glasgow a three-year-old girl was injured by a firework. It is only a matter of time before things get worse. The police knew what was going to happen, as I have said. They supplemented their policing resources with a national policing resource; they had something akin to a riot van when they came to police the community. Even then they were forced to withdraw. The situation was so dangerous that they could barely put their officers out there. If it is that scary for the police, how terrifying it must be for residents, who feel that nothing can be done. The Minister must do something about it.

The hon. Member for Warrington North (Helen Jones) mentioned PTSD and service personnel. Many of my constituents have come here from other countries—literally from war zones. It must cause fear to people who have fled violence and explosions when they hear such things replayed nightly over many weeks. It is quite significant.

I want to quote some of my constituents, who do not feel their voices have been listened to. In a comment that chimes with what the hon. Member for Nottingham North (Alex Norris) said about his experience with his dog, one constituent said:

“As I write this email, I am sitting in my tiny internal bathroom for the third night in a row with my extremely distressed dog. I expect to be sitting here each night for at least another week. I’ve had to do this for the past 9 years.”

It is entirely unreasonable that people should have to live their lives in that way. Another constituent wrote:

“This is the third year we have lived in this area and the third year our children have been terrified of the noise and the feeling of relentless bombardment throughout the night on fireworks night. My daughter was in tears...as were many of her school friends as they were woken up dozens of times by the loud banging, racing cars and arguing voices. Our friend had a live firework thrown at his two year old in a buggy as he picked up his daughter from after school care...It is only a matter of time before one of our young people is seriously hurt...So much is written about dogs and pets being terrified at this time of year but what about our children?”

The impact can be quite traumatic, and children’s education can be affected by nights of disturbed sleep, distress and worry. From my family’s background in education, I am aware that fireworks are sometimes used in school; young people let them off in the corridors, so clearly they are able to get their hands on them.

[MR George Howarth in the Chair]

Another constituent wrote:

“The explosions were continuous from before 6pm until after 10 pm, with intermittent before and after that...The most terrifying was on our street. We live on Kenmure street and there were gangs congregating on the corner near the Tolbooth. The police turned up and couldn’t keep on top of it. They let fireworks off in the street, on the pavement, horizontally, under cars and amidst people. I don’t know how more people weren’t seriously injured.”

A resident of a neighbouring street said:

“Those of us living in Herriët St Pollokshields had 30-40 men, many wearing balaclavas, setting off industrial sized fireworks in the middle of the street.”

That was a terrifying experience for my constituents, as may be imagined.

There was also a need for a clear-up afterwards. There were boxes of abandoned fireworks to be picked up, some of them dud and some not—who knows? They were littered all over the place, and I picked some up in a park last week as well. They had just been left behind. During our debate in January, I mentioned sparklers being left behind in Glasgow Green, causing damage to people’s dogs. They could not walk or play in the grass because people had left metal sparklers all over the place. I tweeted about that earlier, and someone pointed out that the red blue pitch at the Glasgow Gaelic School in Finnieston has been left pretty much unusable by the community and school, because of the mess left behind after the fireworks. There is a cost to local government in clearing up all those things, which may take weeks.

We need to look at better licensing of events. At the moment there is a free for all, and that is not working for our constituents. There should be some kind of audit trail for wholesalers that sell industrial-sized fireworks. If they sell industrial-grade fireworks, for want of a better term, what happens to those afterwards? How do we ensure that they can be traced? If they turn up on the corner of a street on Pollokshields, how can we know where they came from? We also need to think about criminal offences in connection with agent purchase. Many fireworks fall into the hands of young people. They are clearly bought for them by adults—friends or family members; then the young people are sent off into the community.”

Audrey Paisley (Bishopbriggs and Campsie) talked about the frustrations of his constituents, and I share his concerns. The Minister has heard concerns from across the House, and should take them on board. One of my constituents said:
“Every year, I sign one or more petitions asking Parliament to ban the private use of fireworks, limit the public use of fireworks and/or mandate the use of so-called silent fireworks. Every year, the government responds with a bland platitude about fireworks being regulated and there being no plans for change. Every year, I hear and see those regulations being flouted, for example: fireworks being set off in public parks by private individuals...youngsters...throwing them at fire service personnel, and even fireworks being set off in the street”. The Minister cannot hide or duck the issue. There is a problem here. The Scottish Government have taken on a review, and I welcome that. The Minister will know that the signatories to the petition come largely from Scottish constituencies. They want something to happen, because in Scotland the law does not allow us to do much more than we have done already. I urge the Minister either to deal with the issue or devolve powers to the Scottish Parliament and let the Scottish Government get on with it.

5.56 pm

Dr David Drew (Stroud) (Lab/Co-op): It is good to serve under your chairmanship, Mr Howarth. I thank my hon. Friend the Member for Warrington North (Helen Jones); her speech covered so much that we do not need to say much at all, so I shall try to keep my remarks brief.

The current regulations effectively cover five areas: restrictions on the periods of the year when fireworks can be used; restrictions on the times of day when they can be let off; the definition of a public place where they may be let off; categories of fireworks available for purchase by the public; and restrictions on the age below which an individual is not allowed to possess a firework in a public place. It is my contention that apart from the fourth of those—we banned bangers and jumping jacks—we have not done very well on the other regulations. I welcome the Minister to her place and hope that she has the measure of what the debate is about. She is a fair person, and I know she will be thinking hard about what she is going to say.

In the major debate on the previous e-petition, on 29 January, the then Under-Secretary of State, the hon. Member for Burton (Andrew Griffiths), argued: “Even in this debate, in which the same concerns have been raised consistently in almost every speech, there has been a difference of opinion about how we should tackle the issue. Some advocate an outright ban, some want a consultation and some want tighter legislation. It is for the Government to consider all those arguments in the round, form an opinion and ensure that the legislation meets those challenges.”—[Official Report, 29 January 2018; Vol. 635, c. 259WH.]

I take that as reasonably optimistic. The trouble is that nothing has really happened since the beginning of the year, and we are now at the end of it, so I hope the Minister can make some more positive noises.

None of us, I think, has argued for an outright ban; but we are of one mind that the restrictions are not working, and that they must be revisited. Although my hon. Friend the Member for Nottingham North (Alex Norris) has left the Chamber, I shall give my pet story, because everyone else has. I have a cat called Scamp, a waif and stray who just arrived one day, so I looked after him. Two things completely faze him. One is the sight of a black plastic bag. It horrifies me to think what someone did to him. The second is fireworks. He disappears through the cat flap as quickly as you could see a cut disappear, and we will not see him for two or three hours. He is petrified. Something and someone somewhere have done things to him that we just have to clear from the mind. That is an animal story, but so much of this is about animals, because they are our nearest and dearest and we must take notice of how they are affected. Fundingly enough, I met the National Farmers Union today, and said, “What’s the NFU’s view on this?”, to which the NFU, as always, said, “We haven’t got an official view, but if you want to know my personal view, it’s terrifying for many animals.”

Dame Caroline Spelman (Meriden) (Con): Unfortunately, due to the Prime Minister’s statement I could not be here at the beginning of the debate, so somebody may already have raised the plight of horses, but as chair of the all-party parliamentary group for the horse I will say for the record that already this year there have been 42 firework-related incidents that have affected horses, resulting in two being killed and 20 injured. I particularly wanted to speak in this debate because what is missing in that statistic is, for example, what happened in my constituency over the period of bonfire night, where two mares aborted their foals. Sadly, they will not appear in the statistics because they are unborn. I completely agree with the hon. Gentleman that we need to look at tightening the regulations to try to make the animals safe.

Dr Drew: I totally agree with the right hon. Lady. When I say wildlife, I mean livestock, but we are talking about wildlife as well, because of course it is also affected.

Although the hon. Member for Cheltenham (Alex Chalk) talked about the issues surrounding a total ban and although a ban was intimated in the petition, in the speeches so far no one has argued for that. We are just arguing for tighter regulation and an increasing emphasis on official fireworks displays, rather than what is happening, with people still letting off fireworks at the wrong time, in the wrong place and often gratuitously, ignoring the impact on other people.

In terms of the five questions about how we regulate, doing so at the point of sale is clearly not working, because too many people obtain fireworks for the wrong purposes and misuse them. We will have to look at that. We have the 2003 Act, which has been mentioned; that was updated by the Pyrotechnic Articles (Safety) Regulations 2015, to which the Minister will no doubt also refer. We have heard in great detail about the number of accidents and some of the real problems with fires, arson attacks and deliberate violence against people and property. I am told by the Royal Society for the Prevention of Cruelty to Animals that 45% of dogs in the UK are fearful when they hear fireworks—I am not sure who has asked them, but from their response we can be pretty sure that they are suffering. We must find a way of working around the traditional festivals, but, as a number of hon. Members have said, 5 November is a date. It is not a week or a whole series of events. There are official fireworks displays, but we can accommodate them, because we can tell people and warn them when they are going to take place. Outside those important dates, there should be no use of fireworks. 
I am afraid we are moving toward people not having private use of fireworks, just because if they choose to act irresponsibly they are damaging things for everyone else. We are also talking about bringing decibel levels down, certainly below 120 dB. Some say it should be well below the human pain threshold, which I gather is 97 dB. That also needs to be considered.

Referring to the impact on pets and other animals, which is what most of us are talking about, there is unanimity now among the animal welfare charities that they want more action. They feel that whatever is in place is not working satisfactorily. Whether that is Dogs Trust, the RSPCA or Cats Protection, they are all of one mind and have one stated aim: to have the Government look at how they can at least enforce the regulations better and, dare I say, revisit those particular regulations.

I hope the Minister will say something about what she intends to do, because it is important we hear that today. Otherwise, another year has slipped by with apparently no action. We all know that we get regular complaints about this issue, and if we are not seen to be doing anything about it, people will think that we are not really that effective—so for all our sakes, I hope the Minister will make us more effective.

6.4 pm

**Colleen Fletcher** (Coventry North East) (Lab): It is a pleasure to serve under your chairmanship, Mr Howarth.

I have been contacted by a large number of constituents about the private use of fireworks and the effects it can have on animals, public safety and noise nuisance levels in our community. Like my hon. Friend the Member for Stroud (Dr Drew), I think when we get to speak at this point in the debate we are in great danger of repeating what other people have said. I just hope that repetition in this case will make the argument stronger.

One constituent who contacted me highlighted her utter disgust at stories of fireworks being thrown at vulnerable people, aimed at the emergency services and used to harm, torture and maim wildlife, pets and farm animals. She outlined her ardent belief that, “people used to respect fireworks and the damage they could do and it was very rare for them to be used as weapons or to create terror in people.”

But she felt times had changed significantly and that, “there are now more members of the public that don’t care about how their actions affect others.”

That was a common theme among the people who contacted me, as was their concern that fireworks had got louder as the appetite for bigger, louder and more shocking bangs had grown. They said that that not only created significant noise nuisance in their communities, but caused distress to the elderly and many other vulnerable people, to pets and pet owners, and of course to wildlife. They felt it was a problem that had got out of control and that the use of fireworks had stretched further and further beyond the traditional dates. One constituent said, “It starts from October and will go on and on and on until January.”

There was near-unanimity among all those who contacted me that the private use of fireworks should be restricted to certain times during the year, such as 5 November, new year’s eve, Diwali and Chinese new year. They believed that restricting the use of fireworks to those traditional dates would mitigate the negative impact that fireworks can have on our communities and allow pet owners time to prepare and take the necessary steps to safeguard their animals’ health and wellbeing.

None of the people who contacted me are killjoys. They do not want fireworks banned altogether. They simply want restrictions on private use and for people to be encouraged to go to safe and properly organised fireworks displays on designated dates.

**Martin Whitfield** (East Lothian) (Lab): Of the 794 constituents who signed the petition in East Lothian, there is almost universal agreement among pet owners that, if they are aware of the days it is going to happen, they can take steps to protect their pets. It is the use of fireworks outwith those dates that causes so much fear and distress and so many problems for the families. Does my hon. Friend agree?

**Colleen Fletcher**: Of course; as I have said, that was one of the points that was made time and again. People sit in their houses on 5 November and other significant dates and expect to hear fireworks, but when it is out of sync, a loud bang can make me jump, let alone pets and vulnerable people. I have no personal stories about pets, I am afraid, so I will stop there, but I hope the Minister will respond to the points raised by my constituents.

6.9 pm

**Mr Adrian Bailey** (West Bromwich West) (Lab/Co-op): May I express my pleasure at serving under your chairmanship, Mr Howarth? I also congratulate my hon. Friend the Member for Warrington North (Helen Jones) on securing the debate and on the comprehensive way in which she outlined the issues that have generated this petition and the public support for it.

I was sitting slightly uncomfortably when the hon. Member for Cheltenham (Alex Chalk) described the idiots who let off fireworks in the street. I am actually a native of Cheltenham, and in my youth I let off fireworks in Cheltenham’s streets, which I am incredibly embarrassed about. However, that was my generation, in common with the situation outlined by my hon. Friend the Member for Warrington North, although my generation is actually a little earlier than hers.

There are certain things that I put forward in mitigation. First, those fireworks were not as powerful, noisy or dangerous as now, although they were still quite capable of causing disruption and damaging people. Secondly, if my parents, or their neighbours, had found out, certain vigorous sanctions would have been applied to me. I am not sure whether there is still that powerful social pressure on curbing antisocial behaviour in the way that there was then. There is a range of reasons for that, but it is not really within the remit of the debate to go into them all.

However, things have undoubtedly changed. First, in the monocultural society that I grew up in, we had fireworks only on 5 November, or, if someone was a bit naughty, they would let some off before. Generally speaking, however, there would be only a week or so of firework activity. It is totally different now, because we live in a multicultural society, which I am very glad about. Many ethnic groups and religions have their own celebrations, some of which they like to enhance with
the use of fireworks. I welcome that; we cannot confine this particular pleasure to one ethnic group in our society. Secondly, it has become more and more popular to use fireworks during other events—birthdays and other celebrations as well. The potential range of dates and the opportunity to buy fireworks, notwithstanding our legislation, are that much greater, with the potential disruption therefore equally greater.

I was around in the House during debates on fireworks legislation that took place in various steps between 2003 and 2005. I remember that the situation was getting absolutely intolerable at that time; fireworks seemed to go on for about six weeks, at all times of day and so on and so forth. That gave the impetus for that private Member’s Bill—and the last Labour Government’s backing of it—which brought in many of the restrictions that we now have. I have to say that, after those restrictions were brought in, there was undoubtedly a substantial diminution in the nuisance caused by fireworks.

However, things have been getting worse, which I put down to, essentially, cuts to our public services and to those agencies responsible for ensuring that our laws are properly exercised. On 19 October, I went out on patrol with officers from West Midlands police, who said that we were just entering into “nuisance fortnight”, which covers Hallowe’en and 5 November and for which all their leave was cancelled, demonstrating the impact that that period has on a key public service.

Of course, if the police are concentrating on dealing with the antisocial use of fireworks, they cannot concentrate on other aspects as well. For other services, such as the ambulance service, the NHS and the fire service, the same applies. The cuts to our public services mean that the control that might have been possible a few years ago cannot be exercised.

I do not think I have ever known a fixed penalty notice to be served on somebody who has used fireworks in an antisocial way. I do not know whether there are statistics that demonstrate that they are served on those people, but I certainly think it is fair to say that, whatever the regulations, in the culture and climate out there it is believed that no action will be taken against someone who uses fireworks antisocially.

There are many examples of people using fireworks antisocially in the Black country and Birmingham, but two are most conspicuous. Last year in Birmingham, one man died of burns when four people threw an industrial firework into his house, which set the house alight. This year in Smethwick, in an adjoining constituency to mine, a firework was thrown into a crowded pub. Happily there were no serious injuries, but the pub itself was severely damaged by the fire that ensued.

It is not really surprising that none of the perpetrators of those particular actions have been arrested or anything. With the cuts to West Midlands police—more than 2,000 officers have been cut over the last six or seven years—and the way the force is stretched, it has other things to concentrate on. None the less, that sort of crime is as devastating to those on the wrong end of it as any other sort of crime.

Many Members have talked about animals. On my life’s journey, I have been a dog owner. I love animals. I am concerned that—I assume because of cuts—the regulations on the number of decibels allowable for fireworks are not being enforced. Up until a year or two ago, it was quite normal for tests to be carried out on fireworks and a heck of a lot were found to make noise of over 120 dB. That testing has stopped, and the only reasonable interpretation for why is that there is neither the funding nor the people to do it. That is really serious for animals. We talk about noise and animals, but we forget that animals, for the most part, have far more sensitive hearing than us, and if a noise disturbs us, the corresponding impact on animals will be devastating.

While there is a good case for looking at our laws, particularly on time of use—fireworks can be bought only at a particular time but can be let off three months later; storing fireworks presents another issue—the restrictions in respect of allowing them to be used only on private land are not being enforced at all. Fireworks are let off on public highways and so on.

We must invest more money in the enforcement of existing regulations. There is no point in introducing new regulations if they are not backed up. Above all, we need to take a long, hard look at restrictions on the usage of fireworks—where they may be used and at what time—allied with investment in the services that actually take action against those who breach the regulations.

6.19 pm

**John Mc Nally** (Falkirk) (SNP): It is a pleasure as always to serve under your chairmanship, Mr Howarth, particularly in this important debate. I sincerely congratulate the hon. Member for Warrington North (Helen Jones) on securing the debate and on her in-depth understanding, knowledge and informative contribution. I do not know whether I can add much to the speeches already made, and particularly to the hon. Lady’s, but my contribution to the discussion will centre on both the impact that bonfire night has on animal welfare and how our emergency service professionals respond to the consequences of unauthorised fireworks being set off before, during and after 5 November.

These problems occur despite the fact that every year in Scotland the Scottish Society for the Prevention of Cruelty to Animals puts out clear warnings on how these explosives can cause misery for pets and their owners. Irresponsible individuals continue to engage in this behaviour year after year. The petition has received about 300,000 signatures, of which some 930 were from my Falkirk constituency. That is a declaration, if ever there was one, of people’s concern for animal welfare.

As all of us here know, creatures domestic and wild have heightened senses; that has already been mentioned. Their hearing is far better than ours, and they cannot rationalise as harmless fun the explosive bangs and crashes that they hear. To them, a rocket going off is deafening and terrifying; it means imminent danger. Explosions trigger blind panic and can result in animals running into the path of traffic. Instances have been recorded of wild birds, including swans, flying into pylons to their injury and death—a horrific thought.

Horses and cattle have charged in terror straight into barbed wire and through fences, badly injuring themselves. That causes great stress to farmers, who look after their livestock with great care. It is also their livelihood, and I
am all too aware from the farmers I know personally how much they worry about the impact that fireworks can have. The preparations that farmers make to protect their animals should very much be taken into account when the Government consider whether to change the existing laws.

My research shows that most vets are in favour of tighter restrictions on fireworks, because of the sheer volume of animals that they have to treat for firework-related injuries, as well as the severe stress experienced in the lead-up to bonfire season. Many pet owners spend money on medication for their animals in an attempt to keep them calm, or they remove them from their own area to a safe area. Constituents have told me that their whole family become distressed at this time of year.

One lady I know very well says that her family dog, Ruby, was recently scared into a panic by fireworks being let off at 10 pm a week before the official bonfire night. Her pet became so scared that it was drooling and panting for breath and her children had to cover it with a blanket and comfort it until it calmed down. Other hon. Members have told similar stories. Even the next day, the animal was shaking when they took it outside. That random setting off of rockets left everyone in the family on edge until a week after bonfire night, when it all faded away and stopped. That is totally unnecessary stress as far as I can see, and something needs to be done immediately.

I am sure that, in calling for action, pet owners and farmers would be joined by the parents of babies and small children. I have experienced the problem with my own family. When my daughter was about two years old, she was absolutely terrified and I had to take her away from a display and back to the car. It took her a long while to calm down, and I would never like any other child or parent to go through that experience. There is a call for action to be taken, and it has to be taken now.

Then there is the impact on our fire and rescue services. They are under immense pressure during this period. As you know, Mr Howarth, a very strong message is going out across communities that people should attend organised firework displays. That message, particularly from our police, fire and rescue services, needs to be listened to by the decision makers in this place. Those who see the consequences of illegal, irresponsible bonfire and firework events know that legislators sometimes fail them—in this case, by not lowering the noise levels of fireworks. That sends the wrong message, the wrong signals, to emergency responders, including fire services, and in general to our communities. As has been said, the people who do these things think that they will get away with it. My hon. Friend the Member for Glasgow Central (Alison Thewliss) talked about the things going on in Glasgow, which are absolutely horrific. Members of public services are diverted from, for example, road traffic accidents—their normal response duties.

Even lowering the decibel level of fireworks would be a step in the right direction and would clearly demonstrate that the Government were listening to our constituents. Another step would be to move to licensed-only events, such as the one in Falkirk, my own constituency, where we have a free event at Callendar Park that is attended by thousands of people. Sometimes we have great artists there; we make it an event for everyone to come to, and it is a wonderful success. I have to thank the local radio station, Central FM, which allowed me personally to broadcast to ask people to attend the event—I do not know whether that had any effect, but it was very busy.

Our emergency services, from ambulances to hospitals, are all under more pressure than necessary at this time of year because of things such as burns and scalds. I believe that the noise of fireworks distracts parents, diverting their attention from their children, and of course we all know the consequences from sparklers—scalding, and clothes and hair being set on fire.

To conclude, the regulations on the noise level of fireworks should be changed. The loudness of the bangs is unnecessary, and avoidable at the manufacturing stage. In addition, only licensed events should be able to use fireworks. I hope that the Minister is listening and we do not get a damp squib in response.

6.25 pm

Jessica Morden (Newport East) (Lab): My hon. Friends the Members for Clwyd South (Susan Elan Jones) and for Stroud (Dr Drew) said that they thought that we were all going to say more or less the same thing in this debate. I can confirm, as the last speaker before the winding-up speeches, that we are indeed all going to say the same thing—but I will say it briefly. I would like to repeat, on behalf of the 905 constituents of Newport East who signed the petition that has brought us here today, all the calls to restrict the sale of fireworks. Newport East had the seventh highest number of petitioners of any constituency in the UK and the highest number in Wales, and I would very much like to give voice to their concerns today.

My hon. Friend the Member for Warrington North (Helen Jones), in her excellent opening remarks, talked about the rosy glow of firework nights in times past. I take part in this debate with a bit of a heavy heart, because my late and wonderful dad very much disliked fireworks and railed against what he called organised fun and insisted that absolutely every year on 5 November we had a firework display in the back garden, rather than going to a public display. With that background, I certainly do not want to deny families that fun and time of celebration, but the problem, as everyone has said in the debate, is that the days of a small tin of fireworks in the back garden, let off at 8 o’clock on bonfire night, are gone. They are not completely gone, but they have been overtaken. The firework season was once a few days but now seems to run on a prolonged loop from October all the way to January. In addition, fireworks are bigger, louder and more powerful and sold not just in supermarkets but in the endless pop-up shops that appear and disappear on our high streets at the drop of a hat. People can get big and very powerful fireworks from overseas on the internet. The scale of what happens and the availability of fireworks are very different now.

The problem exists in the build-up and aftermath, from Halloween through bonfire night and all the way to the new year; and particularly this year around bonfire night, I, like other hon. Members, received a host of emails and calls from constituents complaining about the distress that fireworks can cause to vulnerable loved ones, pets and other animals—livestock has been mentioned. Many of the complaints related to antisocial
[Jessica Morden]

behaviour, and I think it is true to say that the firework season has become an excuse for a destructive minority to cause misery for the public at large.

I would therefore like to praise the partnership work between Gwent police, the fire service and other organisations, such as Newport Live. One example is Operation BANG—Be A Nice Guy. Its aim is to reduce antisocial behaviour, particularly around Halloween and bonfire night. I praise Newport Live for the diversionary activity that it puts in place every year for young people in our communities in Newport.

Despite that, one constituent this year told me that he had come home from work early, at 2 pm, on the day of bonfire night to find teenagers in his back garden throwing fireworks at the house, deliberately aiming to frighten his two young children. Another resident, an on-call carer, described fireworks being thrown at her as she walked down the street, and witnessing a mother run down a nearby road with a toddler as fireworks were thrown at her and her child. Similarly, a former NHS worker wrote to me to describe the firework-inflicted burns he regularly dealt with in A&E on bonfire night. One local family lived through this when their four-year-old daughter was hit in the neck by a firework at a private display last year.

I have a hamster and although I do not have a hamster-related fireworks story, I have received many complaints about the impact on pets. Many constituents told me that their pets were completely traumatised and will not go outside. One dog-owner described his beloved pet spending most of bonfire night “quivering in a corner and panting so vigorously I thought he would have a heart attack.”

Another constituent told me how his dog injured his teeth and claws while trying to dig and gnaw through a wall, in response to loud bangs from the street outside.

I also pay tribute to the emergency services for their work on bonfire night, including the fire service, police and health workers, who experience one of the busiest evenings, as was outlined by my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant), who is a former fire officer, as well as many other hon. Members.

We heard from the hon. Members for Warrington North and for Ayr, Carrick and Cumnock some of the statistics around accidents and injuries caused by fireworks. We are all aware of the increased pressure that problems associated with fireworks bring to bear on our public services, which are already stressed, which we heard about from the hon. Member for West Bromwich West (Mr Bailey) and my hon. Friend the Member for Falkirk (John McNally).

Every year from October to January, I receive complaints, as I am sure we all do, from constituents whose neighbourhoods are disrupted and plagued by the irresponsible use of fireworks at all hours of the dark evenings, as was outlined by my hon. Friend the Member for Linlithgow and East Falkirk (Martyn Day). Under cover of darkness, too many people set out to cause mischief, thinking that it is funny to set off fireworks near housing, where children or whole families are shocked from their slumber; pets, such as cats and dogs, are scared half to death; and elderly people are driven into stress disorder following active service.

I absolutely agree with those charities and my constituents that something needs to change if we are to help limit the distress caused by fireworks to vulnerable people and animals. Progress has been made since the Fireworks Regulations 2004, which restricted sales, but further action is needed. Finally, I hope the Government will reflect on the contributions to this debate and consider undertaking a review of firework displays. I very much support the e-petition on behalf of the 905 people in my constituency who signed it.

6.32 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I am delighted to take part in this debate on the e-petition calling for a change in the law to include a ban on the public use of fireworks. I thank the Petitions Committee for bringing this debate forward and the hon. Member for Warrington North (Helen Jones) for setting out a comprehensive case, outlining the concerns we have all heard from our constituents.

I do not think that any hon. Member has argued against the fact that, when used correctly, fireworks are an enjoyable spectacle. They are enjoyed by some 10 million people across the UK each year, and, as was mentioned several times, they have become a feature of publicly organised events in November, weddings and all sorts of other celebrations throughout the year. Anyone fortunate enough to have attended a publicly organised firework display will no doubt have enjoyed it immensely, and no one here would want to interfere with that.

However, we also need to take account of the alarm, distress, danger and anxiety that fireworks far too often cause to too many people and animals, and the disruption that they can cause to communities when purchased and used irresponsibly by individuals, which we heard about from the hon. Member for Ayr, Carrick and Cumnock (Bill Grant), who is a former fire officer, as well as many other hon. Members.

We are all aware of the increased pressure that problems associated with fireworks bring to bear on our public services, which are already stressed, which we heard about from the hon. Member for West Bromwich West (Mr Bailey) and my hon. Friend the Member for Falkirk (John McNally).

I attended the recent drop-in event in Parliament, where a number of charities including Dogs Trust, Blue Cross, British Veterinary Association, Cats Protection and others put forward the case for a review of existing fireworks legislation. That was with a view to introducing further much-needed restrictions on their use, particularly outside organised public displays. The RSPCA has also voiced its support for a restriction on the private use of fireworks to certain traditional dates, such as 5 November, new year’s eve, Chinese new year and Diwali, and a reduction in the maximum noise level to 97 dB, which is proven to cause less distress to animals. Its call for tougher licensing for public and private displays is something for the Government to consider, and I think that is a sensible and proportionate approach.

I also agree with all the well-made points about noise pollution and pollution generally. Like other hon. Members, I attended the recent drop-in event in Parliament, where a number of charities including Dogs Trust, Blue Cross, British Veterinary Association, Cats Protection and others put forward the case for a review of existing fireworks legislation. That was with a view to introducing further much-needed restrictions on their use, particularly outside organised public displays. The RSPCA has also voiced its support for a restriction on the private use of fireworks to certain traditional dates, such as 5 November, new year’s eve, Chinese new year and Diwali, and a reduction in the maximum noise level to 97 dB, which is proven to cause less distress to animals. Its call for tougher licensing for public and private displays is something for the Government to consider, and I think that is a sensible and proportionate approach.

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I therefore wholeheartedly commend the e-petition for a change in the law on public displays of fireworks, as I do the hon. Member for Stroud (Dr Drew) for bringing this debate forward and the hon. Member for Warrington North (Helen Jones) for setting out a comprehensive case, outlining the concerns we have all heard from our constituents.

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We heard from the hon. Members for Warrington North and for Ayr, Carrick and Cumnock some of the statistics around accidents and injuries caused by fireworks. We are all aware of the increased pressure that problems associated with fireworks bring to bear on our public services, which are already stressed, which we heard about from the hon. Member for West Bromwich West (Mr Bailey) and my hon. Friend the Member for Falkirk (John McNally).

Every year from October to January, I receive complaints, as I am sure we all do, from constituents whose neighbourhoods are disrupted and plagued by the irresponsible use of fireworks at all hours of the dark evenings, as was outlined by my hon. Friend the Member for Linlithgow and East Falkirk (Martyn Day). Under cover of darkness, too many people set out to cause mischief, thinking that it is funny to set off fireworks near housing, where children or whole families are shocked from their slumbers; pets, such as cats and dogs, are scared half to death; and elderly people are driven into stress disorder following active service.

I absolutely agree with those charities and my constituents that something needs to change if we are to help limit the distress caused by fireworks to vulnerable people and animals. Progress has been made since the Fireworks Regulations 2004, which restricted sales, but further action is needed. Finally, I hope the Government will reflect on the contributions to this debate and consider undertaking a review of firework displays. I very much support the e-petition on behalf of the 905 people in my constituency who signed it.

I therefore wholeheartedly commend the e-petition for a change in the law on public displays of fireworks, as I do the hon. Member for Stroud (Dr Drew) for bringing this debate forward and the hon. Member for Warrington North (Helen Jones) for setting out a comprehensive case, outlining the concerns we have all heard from our constituents.

I do not think that any hon. Member has argued against the fact that, when used correctly, fireworks are an enjoyable spectacle. They are enjoyed by some 10 million people across the UK each year, and, as was mentioned several times, they have become a feature of publicly organised events in November, weddings and all sorts of other celebrations throughout the year. Anyone fortunate enough to have attended a publicly organised firework display will no doubt have enjoyed it immensely, and no one here would want to interfere with that.

However, we also need to take account of the alarm, distress, danger and anxiety that fireworks far too often cause to too many people and animals, and the disruption that they can cause to communities when purchased and used irresponsibly by individuals, which we heard about from the hon. Member for Ayr, Carrick and Cumnock (Bill Grant), who is a former fire officer, as well as many other hon. Members.

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We last debated this issue in January, as the hon. Member for Stroud (Dr Drew) reminded us. We were told then by the responding Minister that the creation
of the Office for Product Safety and Standards would address many of the concerns raised about fireworks at that time, which were similar to the concerns raised today. This new body, we were told, would receive some £12 million a year in central Government funding to ensure that there was access to information nationally and to support local authorities in their work.

The new body, we were told, would work with key stakeholders and enforcing authorities to review the guidance materials available on the safe and responsible use of fireworks. It would provide an intelligence-handling function to improve the information we had and would also examine the individual safety of particular fireworks and of other products on sale—or so we were told.

I hope the Minister can update us on the work of the Office for Product Safety and Standards on the issue of fireworks. If the Office for Product Safety and Standards has not yet addressed the issue of fireworks, perhaps she will explain what has caused the delay, given the widespread concern about the effects of fireworks on our communities.

The Scottish Parliament, through the Fireworks (Scotland) Regulations 2004, restricted when fireworks can be set off, but as we all know all too well, irresponsible people who want to set off fireworks do not care a jot about the time restrictions. They do not care whether it is legal to set off a firework at certain times of day or night, and it seems that such irresponsible people do not care a jot about safety either.

I have been contacted by constituents in a state of great distress, as I am sure we all have, after a particularly alarming and noisy night of fireworks, which can happen for no apparent reason other than the fact that it is October, November or December, or it is Tuesday, or people have fireworks left over.

Fireworks are also still available for sale, as my hon. Friend the Member for Glasgow Central (Alison Thewliss) pointed out. On such occasions, as we have heard from several Members today—we have all heard this—constituents tell us that the onslaught of fireworks has had a profound effect on not only their quality of life, but their pets, which undergo trembling fits and become withdrawn and very frightened. That cannot be prepared for, as it comes out of nowhere whenever someone has fireworks and thinks that they will have a bit of fun. Some people think it is a great idea to set fireworks off in the middle of the night, up tenement entrances or in the shared entryways to flats.

The sale of fireworks is strongly restricted in the Republic of Ireland. The maximum punishment for possessing fireworks without a licence or for lighting fireworks in a public place is a €10,000 fine and a five-year prison sentence. In Northern Ireland, fireworks have long been subjected to some of the strictest laws in the world. Perhaps the Minister will tell us why the rest of the UK is denied similar or greater protection. As we heard from the hon. Member for Clwyd South (Susan Elan Jones), even in the United States, which has liberal gun laws, some states believe that restrictions on fireworks should be strict.

The situation in Scotland is nothing short of bizarre: the use of fireworks is a devolved matter, but the sale of fireworks is reserved. It does not take a genius to work out that unless we tackle in some way the sale of fireworks and who can get their hands on them, we have lost any meaningful influence over who uses them, which makes that extremely difficult to police.

At a local level, environmental health and antisocial behaviour teams can and do work hard to tackle the misuse of fireworks in our communities, but that seems to deal with the consequences of the wide availability of fireworks, rather than tackling the fear, alarm, distress, fire risks and safety hazards that fireworks cause. We need to tackle the real issue of the sale of fireworks to individuals; we need to tackle the problem at source. The hon. Member for West Bromwich West reminded us that fireworks are far more powerful and prevalent than they were in the past.

The time restrictions on fireworks are regulated by law, so fireworks cannot be set off between 11 pm and 7 am, with a few exceptions for special occasions such as the new year and so on. Clearly, however, from what we have heard, that does not go far enough. An individual who wishes to buy fireworks to cause fear and alarm, to have a bit of fun because they find it entertaining to cause destruction to their neighbourhood, or to use them as weapons of choice will set off fireworks whenever and wherever they choose. Restrictions on when fireworks can be set off afford no comfort to the communities plagued by them. As we have heard from several hon. Members, the regulations cannot be enforced. Once fireworks are on sale to any individual over 18, all control is lost over irresponsible behaviour, which is sadly all too common in some of our neighbourhoods.

The Scottish Government have launched a welcome consultation on the use of fireworks, but the rub of the issue is their sale, which is reserved to this Parliament and which cannot continue to be dodged or ignored. We need action and a serious and meaningful UK-wide review of who can buy fireworks. We cannot have any more shilly-shallying. I am keen to see the results of the Scottish Government’s consultation and I believe that the UK should follow suit as a first step—I hope the Minister has been listening.

Fireworks cannot currently be sold to anyone under 18, but so what? We know that children can get hold of them. We also know that those using fireworks irresponsibly are often perfectly entitled to buy them under the law as it stands. The irresponsible use of fireworks is not confined to those who get hold of them illegally. That is why more needs to be done to protect communities, the elderly, pets and a range of people in our communities, as we heard from my hon. Friend the Member for Falkirk and other hon. Members who have been contacted repeatedly over the years by constituents whose lives are made a misery for several months of the year.

As the hon. Members for Stroud and for Coventry North East (Colleen Fletcher) set out, the current situation is not working and is not sustainable for the health, wellbeing and safety of our neighbourhoods. We can all look back nostalgically, as the hon. Member for Newport East (Jessica Morden) did, to bonfire nights when we were growing up, but I am sure she agrees that that cuts no ice with communities that must regularly tolerate the awfulness of fireworks misuse for several months of the year.

We can all agree that the problem appears to be growing, as the hon. Members for Nottingham North (Alex Norris) and for Cheltenham (Alex Chalk) pointed out. The only solution is to tackle it at source and
review who should be sold fireworks. Personally, I am attracted to limiting their use to licensed organised public displays that are well advertised in advance and that take place within a publicised timespan, but I am also open to hearing what the Minister has to say.

Organised licensed displays allow the many people who wish to enjoy fireworks to do so safely. Importantly, they also allow local residents to plan ahead and make arrangements to protect their pets, as the hon. Member for Henley (John Howell) pointed out. The Dogs Trust says that where public displays are organised, 93% of pet owners—a high figure—alter their plans during the display time to minimise their pet’s trauma, which protects their pet’s welfare.

As for helping pet owners to prepare for the use of fireworks in their neighbourhoods, from what we have heard today, we know that that is often not possible, because fireworks go off randomly, with no warning. We can all agree—I hope I can include the Minister in that—that the answer is greater restrictions on the sale of fireworks, instead of selling them to all and sundry over 18 years old. Organised public fireworks displays, which are a much safer option for all our communities, would then gradually become the accepted norm.

It is time to ban the free sale of fireworks except for public licensed displays, but hon. Members do not have to take my word for it. Let us consult across the UK and see what the public think, as has already been done in Scotland—there is no reason that cannot be done across the UK. A ban would mean that we could still enjoy fireworks in our communities at new year and at celebrations such as weddings, but that they would be out of the hands of those who, by accident or design, put the fear of God into our communities, shake our children and hands of those who, by accident or design, put the fear of God into our communities.

We need to let the public have their say through a widespread consultation. We need to get the balance right. No one is asking for fireworks to be banned altogether, but I urge the Minister to consider a consultation similar to the one being carried out in Scotland. Let us hear what the public think—they need to be part of the conversation—so they can inform how we proceed to improve the situation across the UK, and let us see a meaningful response to their concerns. I hope the Minister will set out how she will proceed on that basis.

6.46 pm  
Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): It is a pleasure to serve under your chairpersonship, Mr Howarth. I congratulate my hon. Friend the Member for Warrington North (Helen Jones) on securing this important and popular debate. The strength of feeling on the matter is undeniable and the fact that more than 290,000 people and counting have signed the petition is a testament to that.

Fireworks can cause stress and anxiety in small children, older people and those who suffer from mental health issues. My hon. Friend the Member for Newport East (Jessica Morden) described how pets and livestock are particularly affected, as for them, fireworks come unannounced, which can leave them feeling extremely vulnerable. Dogs feel safe and secure when they know what to expect, so the unannounced nature of fireworks is particularly distressing. Dog owners regularly complain that they face a waiting game when it comes to loud noises and scared pets, as eloquently described by my hon. Friend the Member for Nottingham North (Alex Norris). Similarly, cats associate loud noises with danger and can retreat for days at the sound of fireworks.

However, I am conscious that most people use fireworks responsibly in line with the regulations. There is no doubt that a diabolous display is the central feature of many cultural and religious celebrations, such as Diwali, Chinese new year and new year’s eve.

As hon. Members have noted, the legislation on fireworks is 13 years old. Strict rules about the quality, quantity and sale of fireworks are covered in the Fireworks Regulations 2004, which my hon. Friend the Member for Stroud (Dr Drew) believes need revisiting. Since January 2005, the sale of fireworks to the public has been prohibited except by licensed traders. However, fireworks can be sold by unlicensed traders for Chinese new year, for Diwali, between 15 October and 10 November for bonfire night celebrations, and for new year celebrations. That is welcome, as we heard from my hon. Friend the Member for West Bromwich West (Mr Bailey), who also made a refreshing confession about his boyhood misdemeanours in Cheltenham on bonfire night.

The period around bonfire night is rather long, and in the last debate on the topic I asked the then Minister whether the Government would consult on it. Can the Minister update the Chamber on whether a consultation has taken or will be taking place? The 2004 regulations are fairly strict on timings, dates and who can use fireworks, so a large body of regulation covers the matter, but having sufficient regulation and enforcing it properly are two wholly separate issues.

I now turn to the lack of enforcement. The savage cuts faced by our local authorities’ trading standards bodies, which are responsible for enforcing consumer protection laws, are seriously concerning. For example, there was a 56% reduction in the number of staff at trading standards bodies between 2009-10 and 2016. The Government have failed to address this matter properly, and although the newly established Office for Product Safety and Standards is a step forward, the scope of resources available to it does not go far enough to ensure a sufficient level of enforcement.

My hon. Friend the Member for Coventry North East (Colleen Fletcher) highlighted the fact that if the regulations are not enforced properly, as they should be, we see a rise in the number of police having to step in when fireworks get into the wrong hands or are used inappropriately, so it is not surprising that our police forces are frustrated by the issue of fireworks. Animal welfare charities, such as Battersea Dogs & Cats Home and the Kennel Club, agree that poor enforcement is having a detrimental effect on animal welfare.

The other matter, of course, is the UK’s departure from the EU. The Prime Minister’s botched Brexit deal offers nothing to secure the future of our world-class consumer protections and the Minister has failed to outline clearly what mechanisms will be in place to ensure that enforcement is maintained after the UK leaves the EU.

It also concerns me that there are insufficient evidence and statistics on this matter. For example, no survey or study has been done on the impacts of fireworks and
according to the House of Commons Library the only statistics available on this issue are on hospital admissions due to the discharge of fireworks in England—which, by the way, have been increasing. We have heard that in the last year there were 4,000 such admissions. During the last debate on this issue, I asked the then Minister, the hon. Member for Burton (Andrew Griffiths), whether he would gather statistics and data on the sale and use of fireworks. Can the Minister update us today on whether her Department is indeed in the process of compiling that data?

I sympathise with those affected by fireworks, but more should be done to communicate the details of the regulations that are currently in place. There should also be an effective communications campaign to highlight the impacts that fireworks can have on certain groups. Has the Minister considered putting in resources and working with consumer groups and animal welfare charities to put together a comprehensive and country-wide campaign to bring attention to concerns about firework use? If people are better informed about these issues, they may reconsider their use of fireworks.

There is very strong feeling on this matter, as my hon. Friend the Member for Clwyd South (Susan Elan Jones) has described so well. I reiterate my call for the Minister to conduct a thorough review of the regulations that are already in place, to determine the changing impact of fireworks and what changes we need to make to the existing regulations.

6.52 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): It is a pleasure to serve under your chairmanship, Mr Howarth. I pay tribute to the hon. Member for Warrington North (Helen Jones) not only for introducing the debate on behalf of the Petitions Committee but for her thoughtful and informative speech. I also thank all hon. Members who have taken part in today’s debate. It is great to see such a highly subscribed Westminster Hall debate. I am also grateful to those who signed the e-petition that has brought us here today.

As has been discussed, a very similar debate took place in January, following a petition that also sought to change the laws governing the use of fireworks to include a ban on public use.

That debate took place because 113,000 people signed that petition. Today, we are debating a petition that has received over 280,000 signatures. Again, it calls for a ban on the sale of fireworks to the public and for displays at licensed venues only. I am also aware that there are campaigns under way regarding the use of fireworks, such as the one organised by the Royal Society for the Prevention of Cruelty to Animals, and a further petition, under the change.org banner, has received over 330,000 signatures. The issues have been debated thoroughly, both today and in January.

Let me also offer my thanks to the hon. Member for Glasgow Central (Alison Thewliss), who had a debate on this issue scheduled for tomorrow but who, because of today’s debate, has decided to combine it with this one. I thank her for forfeiting her debate.

I empathise with the concerns that have been raised, and the Government understand the strong feelings that many people have about fireworks. For those reasons, I do not want to simply restate what the law is, although I will do so briefly for the benefit of hon. Members. We have legislation in place to regulate the supply, storage, possession, use and misuse of fireworks, to help to ensure public safety. These powers include powers to prosecute those who use fireworks in a dangerous or antisocial manner. Together, the restrictions set out in the Fireworks Act 2003, the Fireworks Regulations 2004 and the Pyrotechnic Articles (Safety) Regulations 2015 provide the regulatory framework that seeks to support the public’s enjoyment of fireworks while effectively managing the risk of fireworks harming individuals, property or animals.

Retailers may sell fireworks without the need for a specific licence during short windows of time around the traditional fireworks periods of 5 November, new year’s eve, Diwali and Chinese new year. However, if they wish to sell fireworks at other times of the year, they must seek a licence from their local authority. Age restrictions are in place to prevent the sale of fireworks to those under the age of 16 or 18, depending on the classification of the firework. There are further restrictions on the public possession of most fireworks by those under 18. Local authority trading standards officers have the powers to take action against those who sell fireworks illegally, including those selling fireworks without an appropriate licence, outside the normal selling period or to under-age children. Those powers also cover the sale of illegally imported fireworks and internet sales.

I recognise that the noise from fireworks can be distressing to some people and animals, and many Members today have shared their experiences and the concerns of their constituents. That is why there is a noise limit of 120 dB on fireworks available for consumer use. Consumers can also choose to buy from the wide range of low-noise or silent fireworks that are now available, as some hon. Members have highlighted.

I want to reassure hon. Members that the Government continue to take the enforcement of firework safety seriously. Trading standards can order the removal of unsafe products from the market and can take action against retailers who flout the law by selling fireworks to under-age children or who fail to abide by the licensing rules. The police do take action to combat antisocial behaviour and the dangerous use of fireworks by individuals, and many hon. Members today have described the illegal sale and use of fireworks. The hon. Members for Glasgow Central and for West Bromwich West (Mr Bailey) described serious criminal activity involving fireworks that has happened within their constituencies. Quite frankly, they outlined some disgusting behaviour by individuals in their use of fireworks. Such incidents are investigated by the police, leading to fines and in some cases imprisonment, so although I recognise hon. Members’ concerns, I do not accept the premise that the police do not investigate what I would call criminal activity.

Helen Jones: Can the Minister tell us whether her Department now collects statistics on the number of prosecutions for fireworks offences? If it does, what is the trend? Are prosecutions going up or down?

Kelly Tolhurst: I thank the hon. Lady for making that point. As some hon. Members have already outlined, when the last debate on this subject took place in January, we were just setting up the Office for Product
[Kelly Tolhurst]

Safety and Standards. We talked then about the collection of data, and my Department is working with National Trading Standards to consider ways to collect data to back up any proposed changes.

To recap, criminal events in which people use fireworks are investigated by police, if they are reported. In some cases, they attract fines and, in others, imprisonment.

Mr Bailey: I do not think that anyone would say that the police do not investigate. We are saying that the level of resources is such that they are not often able to carry out the sort of investigation that enables them to identify the perpetrators and bring them to justice. Can the Minister give me an indication of just how many investigations have taken place, how many fixed penalty notices have been given and how many perpetrators of serious firework-related crime have been prosecuted?

Kelly Tolhurst: I would like to refer to the hon. Gentleman’s comment and also to his earlier remark about an incident in which a firework was thrown into a pub. He suggested that it was not investigated—

Helen Jones: He did not say that.

Kelly Tolhurst: Perhaps I misunderstood, but that is what I heard from this end. My suggestion is that the police do take such matters seriously, in any constituency. Regarding any criminal activity that is identified as serious, the police absolutely attend.

Patricia Gibson: If I heard the Minister correctly, she suggested—if she did not say—that the work of the Office for Product Safety and Standards is ongoing. I think that is what she said—what I understood. If the office is not yet in a position to tell us how it will proceed on fireworks, with all the concerns around them, do we have a timeframe for when it might bring forward its own conclusions or proposals about how we move forward?

Kelly Tolhurst: I will move on to that reference later in my speech, and to how potentially I, as the Minister responsible, and in line with the Office for Product Safety and Standards, would like to take the matter forward. If the hon. Lady would bear with me, that would be great.

The hon. Member for Glasgow Central suggested that it was not possible to seize fireworks in some cases. I would like to reassure her that fireworks can be seized under the Consumer Protection Act 1987 and the Explosives Act 1875. Just to give her an example, Greater Manchester seized 50 kg of bangers last year and 36 kg of category 4 fireworks, and Worcestershire seized fireworks from two different premises.

Alison Thewliss: I am not aware of the circumstances that the Minister mentions. Were those fireworks seized from commercial or residential premises? On bonfire night, Police Scotland deployed public order specialists in Pollokshields. They arrested people, and they are still arresting people and investigating. The problem is not the police’s response but the source of the fireworks.

Kelly Tolhurst: To answer the hon. Lady’s direct question, I have the data regarding the volumes as opposed to how many premises or individuals—[Interruption.]

The volumes that I said, the 50 kg of—[Interruption.]

Mr George Howarth (in the Chair): Order. I do not think we can have mumbleing from a sedentary position.

Kelly Tolhurst: I said that the information I have is in regards to the volume and not to how that volume is made up.

Although only a minority of users of fireworks misuse them, I understand that one individual can have a massive impact on a community. That is why the Government continue to believe that the best way to continue to reduce any distress caused by fireworks is to work with industry, retailers and others to promote their safe and responsible use through guidance and public education and to ensure that appropriate action is taken against those who break the rules.

At the previous debate in January, the then Minister with responsibility for fireworks had just announced the creation of the new Office for Product Safety and Standards, and I am delighted that the office is already working with industry, retailers, charities and others, including the Royal Society for the Prevention of Accidents and Netmums, to promote the safe and responsible use of fireworks and raise consumer awareness of firework safety. The campaign that the office has undertaken, with its partners, has reached more than a million people through social media, GP surgeries and post offices. The office has also been providing access to expert advice to support trading standards work in enforcing the regulations, including through the funding of the testing of potentially unsafe fireworks.

Jeremy Lefroy (Stafford) (Con): Has there been any investigation of the issue of inspections by trading standards, as opposed to by the Health and Safety Executive? Two people lost their lives in a firework explosion in my constituency a few years ago, and it was implied that although trading standards are allowed to inspect places where up to 2 tonnes of fireworks are kept, they did not have enough expertise to deal with an amount of explosive that was greater than that which Guy Fawkes used in these Houses of Parliament. Would it not be better for the Health and Safety Executive to come in at a much lower level than 2 tonnes, which I believe is the law at the moment?

Kelly Tolhurst: I thank my hon. Friend for highlighting his constituency concern. As he outlined, local trading standards and local authorities license the storage of fireworks, but the Health and Safety Executive ultimately has responsibility for the health and safety of all premises—the overriding health and safety regulations—whether it be for work or storage. Since I have been in post as Minister, I have not had any representations made to me on the storage of fireworks; they have been more about their use. From my personal experience, I can say that if there are operations within individuals’ constituencies, or even if the general public have any concerns about where fireworks are being stored, they are absolutely to contact the local authority and trading standards, but I suggest that they also contact the Health and Safety Executive, which has the responsibility for carrying out investigative work when complaints have been made.
Jeremy Lefroy: If I may just follow up on that, in metropolitan areas the fire and rescue authorities usually have responsibility for the inspection of storage and they have real experience in that area. Would it not be better to ensure that not just in metropolitan areas but in county authorities a similar regime was put in place under the overall provision of the HSE, but involving fire and rescue authorities right from fairly low levels of firework storage?

Kelly Tolhurst: I thank my hon. Friend for his suggestion. I know that local forces work well with local authorities and other agencies on how best to implement regulation, control local problems and carry out enforcement. My hon. Friend makes a very good point and it is something we would have to discuss with those agencies and the local authorities involved.

During the debate in January, the then Minister agreed to meet with hon. Members who had an interest in the matter and discuss their concerns. As I said in response to a Business, Energy and Industrial Strategy question last week, I am open to hearing more and to receiving information and evidence on firework safety issues. This debate has certainly provided much information for further consideration.

Patricia Gibson: The Minister is being extremely generous with her time. I just want to ask her the question that I think everyone in this room wants to ask, and probably every member of the public who has an interest in the issue. Is she minded to have a consultation? I hear what she says about what has been going on, but is she minded to proceed down the path of a consultation on the sale of fireworks? I think that is what a lot of people want to know.

Kelly Tolhurst: I hope to have a meeting, which I think may also have been offered by my predecessor, with hon. Members who are interested. That will be an opportunity for them to discuss this issue with me, because what has come out today is that there is no consensus. There are different elements, and a number of issues and different opinions have been discussed. That is absolutely fine—that is what a debate is about—but it is not something that we could run with. As the Minister responsible, I would like to come up with a suggested way forward, looking at things in a more organised way. That is why I suggest a face-to-face meeting with hon. Members to discuss their concerns and suggest how we might take this matter forward.

Following the January debate, officials were tasked with reviewing the guidance. In order to ensure that all views are taken into account, I have asked those officials to connect constructively with key stakeholders during the next steps, addressing any awareness or information gaps. The creation of the Office for Product Safety and Standards has given us the opportunity to make the best use of scientific evidence, incident data, risk and intelligence in our decision making. As a result, we are now in a much better position to ensure we have the right evidence-based approach to firework safety, and to commission new evidence where necessary. That will ensure we have a thorough understanding of the issues with the safe sale and use of fireworks.

I will respond to a couple of questions. The hon. Members for Sheffield, Brightside and Hillsborough (Gill Furniss) and for North Ayrshire and Arran (Patricia Gibson) have asked about the consultation on fireworks, and I will happily meet Members to discuss a way forward. As I have already outlined, the Office for Product Safety and Standards is gathering data and looking at ways in which we can acquire the thorough evidence that we will need to back up anything we introduce. As for enforcement, I am personally committed to making sure that we enforce the law in this country, as the hon. Member for Sheffield, Brightside and Hillsborough knows and as I highlighted last week.

We are also committed to consumer protection. I made my interest in that area expressly clear in two different debates last week, as well as my interest in the data and the work that we are doing. The Office for Product Safety and Standards and the Department are using data scientifically to make better decisions on consumer protection and safety.

Gill Furniss: It is really generous of the Minister to offer to meet those of us who have taken part in the debate. However, as I said earlier, it is 13 years since the last regulations were instated, so does she agree that a complete review of the situation is now timely? Things have changed since then. We have heard about the fireworks that sound like bombs, the high decibel levels, and the different lengths of time that things take, so it would be nice if the Minister could confirm that when she meets us, it will be with a view to reviewing the entire situation surrounding fireworks.

Kelly Tolhurst: I thank the hon. Lady for her thanks for my suggestion that we should have a meeting. However, as I say, I have been in this role since July, and before I commit to anything, I need to be confident of what we would achieve and how we would achieve it. I am sad to say that I will not use today as an opportunity to confirm what the hon. Lady has asked for, but I have an open mind on what hon. Members might want to highlight.

Susan Elan Jones: If I were to attend the meeting with the Minister, I would say to her that for me, the most important item is restricting to certain dates the use of fireworks outside of organised displays. I think that every Member would have a different view on that, but the reason I am going to push the Minister a bit further about a public consultation is that the more views we have, the more informed the Government will be.

Kelly Tolhurst: I thank the hon. Lady for her comments, but as I have highlighted, I will not commit to a consultation until I have met hon. Members, spoken with my officials, and worked out with them what the best way forward is. I will be quite frank: I am not for moving on that today. However, as I have highlighted, I have open ears and an open mind, and it is obvious from today’s debate that there is a range of differing views.

To highlight two elements of the debate, I support hon. Members on the question of the problems they have raised, and to pay tribute to our emergency services. We have heard about how our emergency services have been targeted, with people using fireworks in a criminal way against those charged with protecting us. Like anyone listening to the debate and to the stories that hon. Members have recounted, I think it is disgusting that anyone working in the emergency services might be...
threatened with fireworks, even on a firework night. That is totally disgusting, and I share hon. Members’ concerns about that.

I will also highlight hon. Members’ concerns about animal welfare. We have heard personal stories about hon. Members’ pets and the disastrous things that have happened to horses, and I can recount stories from years ago. I was pleased to hear that the hon. Member for Newport East (Jessica Morden) did not have a story about a hamster, and it was nice to hear about her father and his desire to have fireworks in their yard. My father would not, because the Catherine wheels that were available in the 1970s, when I was small, were dangerous: half of them did not finish or go off. Product safety has moved on significantly in the past 30 years, and although we are still targeting people who use fireworks incorrectly, the products have improved vastly. We recognise people’s concerns about their pets and animals, but it is a difficult debate.

We have heard that we should move people to public displays, rather than their having fireworks in their garden. However, we have heard complaints about public displays as well as informal ones, so the question of what people want is complex. There are many differing opinions, and we will have to make judgments about how far we need to go and what the right balance is. Legislation and enforcement always involves a balance: ensuring both that people’s rights are protected and consumers are safe, and that people are able to enjoy the things that I am sure everyone loves about fireworks.

Alison Thewliss: If the Scottish Government’s consultation comes back next year in favour of greater restrictions on sale, will the Minister devolve the powers to the Scottish Parliament?

Kelly Tolhurst: I am afraid that I cannot commit to that today, because I do not know what the Scottish Government’s review will say. If I am still in post, I will happily look at it at that time.

I thank everyone who has taken part in the debate. I reassure the Chamber that I am clear that the safety of our constituents remains a priority, and I will consider the work of my officials and look at the evidence base. I encourage everyone present who is interested and has contributed to the debate to meet me for a proper discussion, which will enable the Government to look at the problem and decide on the correct way forward. I also thank you, Mr Howarth, for your patience this afternoon.

7.19 pm

Helen Jones: I take this opportunity to thank all Members who have participated in the debate and made some very useful contributions to it. I would like to be able to thank the Minister, but in 21 years I have seldom heard a response that took so little cognisance of the debate that had just happened.

We have now had three e-petition debates on the issue, yet the Government have taken no account of the public views that have been expressed time and time again. I remind them that the petitions system was set up as a joint system between Parliament and Government in the expectation that Government would take it seriously, and they clearly are not. The Minister has talked about enforcement, but she will not commit more resources to it.

Kelly Tolhurst: Will the hon. Lady give way?

Helen Jones: One moment. The Minister has said— [Interruption.] No, I am not giving way; I have not finished my sentence. She has said she believes that she needs to collect more data and that there has been no unanimity in this debate. This debate was unanimous about wanting more controls on fireworks. She said that she is sorry for our emergency services, but she has put forward no way—

Kelly Tolhurst: Will the hon. Lady give way?

Helen Jones: I only have two minutes, so I am not giving way. Clear?

Kelly Tolhurst: Two minutes? You have 10.

Helen Jones: I have two minutes to wind up. The Minister has said that she wants to protect our emergency services, but she has come up with no way of doing that. She has said, “We want to work with the industry.” I wonder whether that will be as successful as the Government’s obesity strategy has been in working with the industry concerned.

My constituents and other Members’ constituents are clear that they want action. I know the Minister is a junior Minister and is unable to promise much herself, but the Home Office has to start taking this matter seriously or we will be here debating it time and time again until it does. My Committee will certainly want to look at it again. These are serious issues about people being injured, emergency workers being attacked and people’s lives being made a misery. It is time that the Government started to take it seriously.

Question put and agreed to.

Resolved.

That this House has considered e-petition 231147 relating to the sale of fireworks to the public.

7.22 pm

Sitting adjourned.
Westminster Hall

Tuesday 27 November 2018

[Mr Clive Betts in the Chair]

Nigeria: Armed Violence (Rural Communities)

9.30 am

Jim Shannon (Strangford) (DUP): I beg to move, That this House has considered the matter of armed violence against farming communities in Nigeria.

It is a pleasure to serve under your chairmanship, Mr Betts, and I thank the Backbench Business Committee for allocating time for this debate—it is of the utmost importance that the House, the Government and the whole international community do not ignore such immense and devastating suffering. I am grateful to all hon. Members for participating in the debate, and I particularly thank the Minister for her esteemed presence and for her informative remarks last Thursday, when she spoke at an event that examined some of these issues, which was organised by the all-party parliamentary group for international freedom of religion or belief.

I imagine that some hon. Members will discuss the Boko Haram crisis, so I will focus on the conflict between nomadic herders and farming communities. According to some estimates, it has claimed up to 60,000 lives since 2001. I would like to discuss the scale of the violence, how to resolve the crisis, and the long-term consequences of failure to address the violence.

For decades, nomadic cattle herders from north Nigeria, who belong predominantly to the Muslim Hausa Fulani ethnic group, have been in dispute over land with predominantly Christian farming communities further south. However, in recent years, the scale and violence of these disputes has escalated dramatically, and we will want to look at the reasons for that in the discussions we have today. As many as 1,300 people have been killed in violence between these groups since January, and at least 300,000 have been displaced. The conflict is estimated to cost the Nigerian economy $10.5 billion a year. It is good to see the hon. Member for Henley (John Howell) in his place; he is the Government envoy to Nigeria, so we look forward to his comments. We cannot ignore the impact on the Nigerian economy.

The International Crisis Group has said: “What were once spontaneous attacks have become premeditated scorched-earth campaigns in which marauders often take villages by surprise at night.”

When we talk about these enormous crises, there is sometimes a danger that we forget about people and their families—we cannot do that. Real people have lost their entire families. Real people have seen their homes and villages destroyed. Real people have been devastated, disfigured and dismembered. In terms of sheer scale and horror, the violence we have witnessed in Nigeria is six times deadlier than the Boko Haram crisis of 2018—six times more horrible, more horrific, more evil and more brutal.

To resolve the situation, one must first have a deep understanding of the drivers of the violence. The single conflict is actually a series of countless, smaller conflicts between many disaggregated, and often rapidly formed, militias. What drives these militias to violence in one area might not drive other militias in a different area, so we probably do not need a one-size-fits-all policy here. We need something a wee bit more delicate to address these complex issues. It is vital to remember the interconnected factors that have encouraged this extraordinary violence: increased pressure on resources, the collapse of traditional mediation mechanisms, and the failure of the Nigerian Government to respond effectively.

In last week’s APPG meeting, which the Minister attended, there was unanimous agreement among the speakers that religion is also a factor in the violence, and we cannot ignore that. They agreed that militias fighting over dwindling resources have been mobilised along religious lines. Some—not all—might be driven by religion, so I wholeheartedly agree with the Government’s previous statements on the issue: we must be very careful not to attribute religious motivations to actors unless we see substantial evidence. However, I would put it on record that there is a lot of evidence that many of the attacks are religiously based, which we cannot ignore.

Many issues need to be examined thoroughly, and the answers might not point to underlying religious motivations, but those have to be considered. The fact is that Christians and Muslims have been attacked, and we have to ask why that is happening. According to some reports, herder militias have claimed at least 6,000 lives since 2011, whereas the number of herders killed is much lower. It is important that such evidence is gathered; one must question why the violence in certain areas of conflict has been so brutal, so devastating and seemingly so one-sided. Why is it that members of religious groups are so often the victims of what is happening?

Some time ago, I was informed by some of the groups I have met and by some people I have met from Nigeria and elsewhere that weaponry seems to be available in Nigeria. They said that Nigeria is probably the arms base for a great many conflicts across Africa and maybe further afield. Some of the militias are using sophisticated weaponry, and we have to ask how they can afford to do that. There are reports of some herder militias using rocket launchers, machine guns and large explosives. Both sides might be using such weaponry, but we hear reports only of the herders using it. Are these weapons extremely cheap on the black market, and which groups...
are financing the acquisitions? Are domestic extremist groups providing funding to militias? These questions warrant answers.

Reports also point to the difficulty in obtaining specific information about such a widespread and varied conflict. The mainstream and traditional media have been heavily criticised for a lack of thorough investigation of violent incidents. To resolve the situation, there is a great need to combat the spread of misinformation and to get to the truth of opposing claims. I therefore wonder whether the Minister might consider supporting a group of impartial international journalists to investigate many of the stories, as well as media content and contradictory claims, about the many conflicts in Nigeria. I and others in the House believe that it is crucial that such a group is international and independent of the Nigerian Government, so that its findings could not be easily dismissed or biased. It is important that we put that right.

On the motivation of certain militias, there seems to be unanimous agreement that the actions of the federal Government and state-level governments have been woefully inadequate, which is a key factor in the violence. The withdrawal of Government from rural areas has led to a collapse of the rule of law in many parts of the country. Security forces have hardly been mobilised—that is a fact—and perpetrators of violence operate with impunity. We need an active police and army presence in areas where these militia groups seem to roam at will. It is unacceptable that so many people should suffer simply because of a lack of political will to help them. It is imperative that much more pressure is applied by the UK and the international community to get the Nigerian Government to formulate a comprehensive and holistic security strategy that adequately resources and mobilises the security forces.

It is important to acknowledge that once people believe that religion is a motivating factor for violence, policy responses must adapt. My noble Friend, Baroness Cox of Queensbury, recently travelled to Nigeria and spoke to many people affected by these conflicts. They were convinced that they had been targeted exclusively because of their religion. That belief must surely lead to hostility and mistrust between religious groups. There must be reconciliation between them if there is to be peace between communities in the future. Stopping the perpetrators of violence must be the first step, but I encourage the Minister to consider the need for religious reconciliation and tolerance programmes in any long-term response plan. Had we not had peace talks in Northern Ireland, we could not have stopped the fighting.

It is important that we have that verbal interaction, as it will enable us to move forward constructively and stop those who wish to carry out violent acts. There are potential long-term consequences if the violence is not addressed in the short term. More and more Nigerian Muslims and Christians may begin to believe that they are being targeted because of their religion. In turn, that could lead more and more Christians and Muslims to believe that they are engaged in an existential battle. There are already reports that many leaders in Nigeria are calling for groups to arm themselves if they want to survive, so, worryingly, the whole thing may escalate.

We must do all we can to ensure that the violence, which is already at extraordinary levels, does not explode into an even wider religious conflict that spreads across the nation or even the region as a whole. It is sometimes difficult to express how devastating the conflict could be to Nigeria and beyond. What chance do we have of reducing poverty if there is long-term violence and instability? How will people feed themselves if farmers are too scared to go outside or have been driven from their lands? What happens when the hundreds of thousands of people in internally displaced persons camps decide that anything is better than their horrid conditions and turn to Europe in search of a better life?

I am conscious that several hon. Members want to speak, and I want to ensure that all those who made the effort to be here have the time to make a contribution. I repeat that the scale of the devastation is extraordinary, so we must do more to address it. I thank the Minister for the work that she and the Government have already done. We look forward to her response on how we can help the Nigerian Government to move forward and ensure that my Christian brothers and sisters in Nigeria are not persecuted or victimised because of their belief. I want to ensure that those with Muslim beliefs who are victimised, persecuted and targeted are free from that. I trust that the Minister will do all she can, both bilaterally and multilaterally, to wake the Nigerian Government up to this crisis and the plight of their own people. It is infuriating and perplexing that they have turned a blind eye to the violence, which is having a profoundly negative impact on their country and its future. They must realise how the world sees Nigeria.

I thank the Minister for the nuanced and inquisitive approach the Government have taken thus far. I encourage her to continue to strive to find the causes of the violence in the different areas, and not to apply a one-size-fits-all approach. That would not be a good way to do it—the Minister said that last week, but we need a commitment to a strategy that works. I wholeheartedly agree with her commitment to remain impartial and to assess events objectively. In that spirit, I hope she will ask tough questions about the asymmetry of violence and the funding of weapons, even if the answers are inconvenient to the Nigerian Government.

Similarly, I hope the Minister will consider what can be done to help independent journalists enter the hard-to-reach places in Nigeria to find out the truth and build an evidence base. On that point, I remind right hon. and hon. Members that, on 12 December at 10 am in Committee Room 7, the all-party parliamentary group for international freedom of religion or belief, which I chair, will be having a roundtable meeting with experts to discuss the impact that the media have had on the violence.

The fact that people are convinced that they are being targeted because of their religion means that religious reconciliation and tolerance programmes are vital for long-term peace. The long-term consequences of failing to take those steps and address the violence are unthinkable. Instability, displacement, death, famine, civil war and mass migration are all possible outcomes. They are all happening now, and will continue to happen unless action is taken. Now is the time to stop this. We in this House can contribute to an action plan and strategy through our contributions to this debate. I look to the Minister and our Government for answers on what we
can do in the future. We must do everything in our power. We must act quickly so hon. Members do not find themselves back in this Chamber 10 years from now talking about all those who have lost their lives and about what we should have done to prevent the situation in Nigeria.

This House has an opportunity to come together constructively to beseech our Minister and our Government to act in Nigeria to help the Nigerian Government to grasp the nettle. In parts of northern Nigeria, Christian and Muslim groups have absolutely no protection. This House is duty-bound to speak up for those across the world who do not have the opportunity that we have. We must not be found wanting. I have often said that we are a voice for the voiceless. Let us be a voice for all these people.

Several hon. Members rose—

Mr Clive Betts (in the Chair): Order. I will not impose a formal time limit, but as a guideline there are about nine minutes for each Back-Bench speaker. Observant Members will have noticed that the two clocks are slightly different, so we will go for the large clock as a guide.

9.45 am

Fiona Bruce (Con): I commend the hon. Member for Strangford (Jim Shannon) for his excellent speech and his devotion to promoting freedom of religion or belief right across the world. Those of us who are people of faith are concerned about ensuring that we do that. We must seek the truth when we speak. The main theme of my speech is that we must find the truth about what is happening in Nigeria, and urge our Government to do all they can in that respect.

I fully accept that the escalating violence in central and northern Nigeria has many complex sources. We have heard that the failure of governance in the area has resulted in a sense of injustice and vigilantism. Population growth, urbanisation and desertification have put pressure on the grazing areas and water sources that the traditional nomadic herdsmen—the Fulani—use.

In our meeting with the Minister last week, which the hon. Gentleman mentioned, I was pleased that she acknowledged that religion and religious identity form a part of the violence and are a cause of it. My concern is that the role they play is increasing, and we need to do more to recognise that; our Government must do the same and press the Nigerian Government to do so, too. There is a real risk of genocide, if indeed it is not already happening.

I use as my sources of support two reports that have been published in the past week. The first was produced by Aid to the Church in Need and was published last Thursday; I was privileged to attend its launch. Every two years, Aid to the Church in Need produces a report about religious freedom in the world. It is very well resourced, with on-the-ground references throughout. It is a detailed publication, and I hope the Minister will read it. About Nigeria, it says:

“Assessments of the violence have highlighted ethnic differences between Christians and the Fulanis and disputes concerning the grazing of the herdsmen’s cattle but...”

This is an important “but”—

“religion seems to have become an increasingly important factor... violence by Fulani militants in Central Belt has terrorized Christians.”

It says:

“Father Alexander Yeyock, parish priest of St. John’s Church, Assu, gave an interview after a Fulani attack in Easter Week 2018 left two of his faithful dead: ‘The attack has two dimensions. The first is to Islamize the Christian community. The second dimension is that Fulani herdsmen want to confiscate our arable land for grazing purposes.’”

Bishop Wilfred Chikpa Anagbe of Makurdi told the African Christian Network:

“There is a clear agenda: a plan to Islamise all the areas that are...predominantly Christian in the...Middle Belt”.

That is really concerning, and I wonder whether our Government representatives on the ground really have an understanding of radicalisation and the spread of Islamist ideology that is taking hold, not only in Nigeria but in other parts of the world.

The report goes on:

“A core finding of this report is the failure of the international community to recognise the scale of the problem, which is compounded by the inaction of the authorities in the countries concerned... One bishop warned the international community: ‘Please don’t make the same mistake as was made with the genocide in Rwanda.’... Nigeria’s violent hotspot—the Middle Belt—is predominantly Christian, and human rights observers suggested that the militant action there is intended to achieve the imposition of Wahhabi-style Islam. Church leaders suggested that the attackers were ‘jihadists imported hiding under the guise of herdsmen and sponsored by people from certain quarters to achieve an Islamist agenda.’ As evidence, commentators pointed to the swift upgrade in weaponry from bows and arrows to AK-47s and other high-tech arsenal.”

There is more in the report that I cannot go into today, but I hope that Ministers will read it and provide a response to it. One of its important findings—we have heard of this in the actions of Daesh elsewhere—was the way that militant Islam uses women, subjecting them to violence as part of a process of forced conversion.

In that respect, I refer to a report from the charity Humanitarian Aid Relief Trust, which was also released in the last two weeks. The charity’s inspirational leader is Baroness Cox, who has had a 20-year involvement in Nigeria and went there specifically to produce the report, “Hidden Atrocities: The escalating persecution and displacement of Christians in northern and central Nigeria”. In the report, she talks about the atrocities that have been perpetrated. This is one example she gives:

“My sister was raped and her wrists cut off before she was shot through the heart. They took my brother, his wife and all their six children, tied and slaughtered them like animals.”

I concur with the hon. Member for Strangford. During a recent discussion, someone from Nigeria said to me:

“The Fulani herdsmen are far more violent than Boko Haram. Boko Haram don’t mess with them.”

In the report, there are many other descriptions of similar atrocities, which are deeply concerning. Yes, there are many reasons for this violence, but, as Baroness Cox said,

“Less well known, however, is the escalation of attacks by Fulani herdsmen against predominantly Christian communities in the middle belt region.”

The Bishop of Bauchi, an Anglican bishop representing many of the worst affected areas said that

“The conflict between herdsmen and farmers has existed for a long time. But the menace in recent times has jumped from a worrisome itch in the north to a cancerous disease, spreading throughout the country, claiming lives and threatening to spiral into a monster.”
The human rights group Christian Solidarity Worldwide reports that in the first quarter of 2018, the Fulani perpetrated at least 106 attacks in central Nigeria. The death toll, purely from Fulani militia violence, stands at 1,061. The Christian Association of Nigeria estimates that between January and June this year, around 6,000 people have been killed by the Fulani. In Nasarawa State alone, in the first six months of 2018, 539 churches were destroyed, and on July 4, the Nigerian House of Representatives declared killings in Plateau State to be a genocide. That is deeply concerning, and there are a number of recommendations in Baroness Cox’s report, of which I hope the Government will take note.

Mr Gregory Campbell (East Londonderry) (DUP): In the light of Baroness Cox’s report, does the hon. Lady agree that the people of Nigeria—indeed, many people of faith on the African continent—will be looking to countries such as the United Kingdom for a unified response that is emphatic and robust, and which not only expresses solidarity, but takes action internationally to try to bring pressure to bear on the Nigerian authorities?

Fiona Bruce: I could not have expressed that better myself. Indeed, to warn of the risks of this escalating into a serious genocide, there is a responsibility on the part of the international community to respond to the reports that we are receiving. I am particularly anxious that the Department for International Development does so responsibly.

I was in Nigeria in 2016 with the International Development Committee, and with my hon. Friend the Member for Stafford (Jeremy Lefroy), who cannot be here but asked me to put on record that he shares the concerns that I, and others, are expressing. DFID representatives and fieldworkers on the ground arranged a roundtable meeting with civil society for us. I was extremely concerned, because I knew even then about the region’s escalating violence and the religious element developing within that, that there was no representative from the Christian Association of Nigeria at the meeting, and it took considerable effort on my part to persuade DFID officials to involve one. Even then, I was deeply concerned that that representative did not have an opportunity to express his concerns about the religious element of those attacks, the nature of which we are now seeing developing in the area.

I thank the Foreign and Commonwealth Office, because in recent years it has responded to many debates in this very Chamber, developed an understanding and demonstrated its commitment to freedom of religion and belief all around the world, but I do not have the same confidence in many of the DFID staff posted around the world. I urge the Minister to ask her colleagues at DFID what their staff on the ground in Nigeria are doing to address the situation and to engage with faith leaders and others to ensure that they can find the truth, which, as I have said, is what we seek to establish in our consideration of the issue. We need to know the truth about what is happening in Nigeria—such as the information brought to bear in the reports that I have referred to—so that our Government has the information and can respond.

Several hon. Members rose——
We must stop the violence to allow people to live in peace and harmony, as they have done for generations, and to get on with their lives.

10.2 am

Kevin Foster (Torbay) (Con): It is a pleasure to serve under your chairmanship, Mr Betts. It is also a pleasure to be in Westminster Hall again for a debate on protecting people’s ability to express their religious faith freely, which was initiated by my good friend, the hon. Member for Strangford (Jim Shannon). I know it is rare that we get the chance to hear the hon. Gentleman—at 9.30 on a Tuesday morning, but it was a particular pleasure today. I make that comment in jest, but the laughter is probably a sign of how often he has managed to secure a debate on oppressed communities around the world. Such communities are often oppressed purely because they have made a choice about their faith, or to have no faith—I am always clear that this issue is not just about the faith that we share.

The problem is, sadly, not a new one. We only have to look at the Open Doors website to see articles from the past few years about Fulani attacks on those from a Christian background. The hon. Gentleman was right to highlight the huge impact not only on people’s freedom to express their religious faith but on the economy in an area to which poverty is sadly not a stranger for many people. Conflict is continuing and feeds into wider concern about the stability of Nigeria.

Some colleagues and Members in the Chamber are old enough to remember the appalling Biafran war, when Nigeria suffered horrendous loss of life. We have seen the impact of Boko Haram and how it has used its extremist ideology to cow people and try to make them bend their knee, rather than make free choices. Boko Haram has also, famously, sought to deter girls from seeking an education. We reflect regularly on the fact that this debate is about groups seeking both to take away religious rights, to force people to agree with their particular faith or belief, and to remove every other right—not only to religious faith but to supporting oneself, freedom of expression, choice of person to lead one’s country and, generally, to living life as one chooses.

People might wonder why this is an issue for us here in the United Kingdom, but some of us believe that it is important to protect the right to express faith and political views anywhere. Most of us rightly take the view that if people cannot do that somewhere else, the threat is always that such an ideology might spread to this country. For me, it is also about the migrant flows towards the Mediterranean. The fundamental reason for much of that is conflict and war in sub-Saharan Africa, which makes people feel that they have absolutely no hope of making a better life for themselves if they remain in their own country, that they might not be able to progress economically, or that their life will be in genuine danger. It is therefore right to focus on this subject.

It will be interesting to hear from the Minister about the Government’s work with the Nigerian authorities to tackle the problem. The obvious question is about what support our military in particular might supply, which is not so much boots on the ground as capacity building. Support to Nigerian forces could include provision of capabilities to do with surveillance and reconnaissance that might not be available to them but are to us. Furthermore, how are we working with the Nigerian authorities to build their capability to strengthen enforcement of law and order? Ultimately, without the ability to enforce the law, problems will remain. How can confidence in the state authorities, which the information we have reads is clearly damaged, be built up? How can we as the UK work with the authorities to do that?

We can help not only to achieve short-term security but to support long-term development, particularly through our international development programme. It is all very well stopping the conflict today—perhaps with a better security operation, dealing with specific armed individuals, or tracking down where weapons come from and blocking a particular supply—but if the underlying economic issues that drive people towards conflict remain, that conflict will re-emerge in the future. As the UK looks towards a future as more of a global trader, how can we use aid to stimulate trade and, in turn, economic development, which can be as vital to ending conflict as merely carrying out an operation to prevent attacks in the short term?

It has been a pleasure to make a contribution to this debate and, as always, to be in the Chamber with some familiar faces to talk about defending the rights of others to express their religious beliefs freely. This debate shows that the issue extends beyond states such as North Korea, where people face formal persecution by the state they live under; in so many other cases, in particular in parts of Nigeria and the middle east, non-state actors are the source of persecution. How can we work with the Government of Nigeria to ensure that we are not still debating this subject in 10 years’ time?

Several hon. Members rose—

Mr Clive Betts (in the Chair): Order. We can now go back to nine minutes as a guideline. Hon. Members have been very helpful.

10.8 am

John Howell (Henley) (Con): It is a pleasure to serve under your chairmanship, Mr Betts. I, too, congratulate my hon. Friend the Member for Strangford (Jim Shannon) on securing this important debate. It is a great pleasure to participate in it.

I will leap in straightaway, since we do not have much time. I, too, believe that President Buhari has not done enough to focus on the problem. He came to power with a radical agenda to get rid of Boko Haram, and he has been partially successful. As hon. Members have pointed out, however, some Boko Haram insurgents have transformed into terrorists in the country, and they might well be fuelling this particular crisis.

Since we last spoke in this Chamber about the issue, one of the major things to have emerged is the intensity of the problem and of the killings that are taking place. It is always possible to blame the President for what happens in a country, but let us remember that President Buhari faces action in the International Criminal Court for what he has done against Boko Haram. That is quite remarkable, but it is not surprising that his face has been elsewhere. As the hon. Member for Stroud (Dr Drew) pointed out, the real focus in Nigeria is not the national Administration but the state governorships. I particularly
condemn the governor of Ekiti state, Mr Fayose, who encouraged farmers to take up arms against the Fulani herdsmen. That was not helpful—it just increased tensions and killings in the country. We should ensure that we condemn that.

I have said several times in this Chamber that President Buhari was summoned to Parliament and condemned following the recent killings, and that a no-confidence motion was passed in respect of his advisers because they had done nothing to solve the problem. President Buhari was the first African leader to go to the White House, in April. I am afraid that President Trump’s involvement with the situation in Nigeria was less than helpful—he made a rather simplistic judgment and did not put pressure on President Buhari to take action. We need to put pressure on the state governors and the national Government to do something.

One good solution to the situation would be for the national Government not to look at it solely in military terms. I do not think it will be solved by a military operation. It will be solved by political activism. There is a Bill before the Nigerian Parliament, which is known in shorthand as the land grazing Bill, that would allow national grazing reserves to be set aside for Fulani herdsmen to use without coming into contact or conflict with Christian farmers. We should support that and other actions the Nigerian Parliament is taking to solve this problem.

The situation is complex. It is wrong to characterise the conflict just as a religious one. It certainly has strong religious elements and overtones, but it has been going on for many years—it was going on before Open Doors became involved and long before we became aware of it. We can see that it is more than just a religious conflict by looking at the timing of the killings, which increase around national elections. That is instructive.

I always have poverty in my mind when I carry out my work in Nigeria. I am absolutely committed to trying to help the Nigerian Government improve the impoverished situation of many of people. I have explained on a number of occasions that that is in our best interests, because it enables us to prevent mass migration from Nigeria and sub-Saharan Africa to Europe, but it is also in Nigeria’s best interests. We need to put pressure on the Nigerian Government and the state governors to solve this problem in order to deal firmly and finally with poverty.

Jim Shannon: Given his knowledge of Nigeria, can the hon. Gentleman see any reason why the Nigerian Government have been reluctant, unable or unwilling to respond to the high levels of violence?

John Howell: That is an interesting question. There is an ethnicity element to it. President Buhari comes from the area that identifies with the Fulani. I am not going to make that point more strongly. I do not know the extent to which that ethnic belonging influences him and his actions. All I will say is that I agree that less action has been taken in this area than anyone would have liked.

Since I am running out of time, let me conclude by saying that this issue is enormously important. I know the high commission raises it very frequently with the Nigerian Government. It is technically outside my remit as trade envoy, but in a country such as Nigeria, one cannot focus on one issue—they all interlock and play a part. I will continue to put pressure on the Nigerian Government to ensure that something occurs to resolve the situation.

Stephen Kerr (Stirling) (Con): It is a pleasure to serve under your chairmanship, Mr Betts. I thank and commend the hon. Member for Strangford (Jim Shannon) for bringing this debate to Westminster Hall. It was a pleasure—indeed, it was rather humbling—to listen to my hon. Friend the Member for Henley (John Howell), who is a true expert on matters pertaining to Nigeria. I certainly do not want to detract from anything that has already been said.

Much was said about the situation in Nigeria, especially in the so-called middle belt, which straddles the divide between the largely Muslim north and the majority-Christian south, and which is the scene of an escalating cycle of violence between settled farmers, who are mostly Christian, and the mainly Muslim Fulani herdsmen. The Fulani are an ethnic group of about 20 million people across 20 west and central African countries. Exacerbating factors include the environmental impact of climate change and the proliferation of armaments—especially those that were looted from the arsenals of the former Libyan dictator, Muammar Gaddafi, which are smuggled across the region and used to dreadful effect.

We have already heard that the 2017 global terrorism index estimates that more than 60,000 people have been killed across west Africa in clashes between Fulani herdsmen and settled communities since 2001. The number of violent deaths in Nigeria is again spiralling. The Armed Conflict Location and Event Data Project estimated in a report in the summer that armed Fulani gunmen had killed nearly 1,000 people so far this year—more than Boko Haram. Those killings, which take place in villages and small farming communities, include the cold-blooded murder of women and children, of which we have heard accounts.

The Nigerian Government blame the violence on armed banditry and organised crime, but there are clear ethnic and religious issues at play. The violence seems to be based on economic insecurity, but its root causes run deeper. The conflict is rooted in the complex religious history of the region, going back to the Sokoto caliphate in the 19th century and the missionaries who brought Christianity to the region at that time. The long-standing conflict has been brutal and most inhumane.

Who can forget the atrocities of Boko Haram, which are funded by the most horrific crimes of kidnapping, slavery, human trafficking and rape? In June this year, 86 people were killed and 56 homes destroyed by herdsmen. However, the situation is not without hope. I read an interesting and inspiring story about Christians who fled the scene of an attack. Brutal raiders descended on their homes in the middle of the night, but many of them got away by running for their lives. Shelter came in the form of an imam from the local mosque, who took them in and gave them sanctuary, and protected them within the walls of the mosque. In that instance, the family survived.
That is the paramount value of faith—that in the sight of such adversity and violence we can still see humanity in each other. When we acknowledge our common humanity, we can truly achieve peace. Peace with each other is one thing, but we also need peace within ourselves, which is another transcendent value. Despite claims to the contrary, the central truth of Islam, as with the message of the Christian gospel, is about love for one another and our common humanity.

Jim Shannon: One thing to come out of our recent trip to Pakistan were three words that were used by those of the Islamic and the Christian faiths: love, tolerance and respect. If we get those three things together, and we believe in them and act them out through our faiths, people in society can move forward with respect for each other.

Stephen Kerr: I am grateful to the hon. Gentleman for that intervention.

The situation in Nigeria is riven with mixed signals. The Government make claims about reduced violence and say that the situation in the north is improving, and a significant amount of UK aid has been spent trying to help the Government fight insurgents. However, the late Catholic bishop, Joseph Bagobiri, accused President Buhari’s Government of actually siding with the herdsmen, saying Buhari “unabashedly takes sides with the armed herdsmen, his kinsmen, thereby failing in his responsibility as a true statesman.”

That is quite an accusation, and such allegations of complicity between the Nigerian President and those who perpetrate these acts of violence must be shown to be unfounded, as there is no room for such complicity, if it exists at all. As long as there is endemic corruption in Nigeria, there will be conflict, and if the Government have no moral authority, there is a vacuum into which extremism will step.

The attacks take place on an ethno-religious basis, but there are no doubt also economic and political aspects to them. In a country such as Nigeria, in which 90 million Muslims and 76 million Christians live together, understanding and tolerance are essential. The attacks will dissipate only when there is a sense of fairness, a Government who have moral authority, and a world community that stands alongside the decent people of Nigeria.

I have some questions for the Minister, which are concurrent with other points that have been raised today. What is the UK Government’s assessment of the situation on the ground in northern Nigeria and the middle belt? What is the Minister’s assessment of the effectiveness of the part played by the UK to strengthen internal security and encourage cross-border co-operation to control the movements of marauding terrorists and the illicit trade in armaments? What are the Government doing to strengthen existing local machinery to support conflict resolution? My hon. Friend the Member for Torbay (Kevin Foster) raised a point about DFID. What are we doing to build sustainable solutions to the issues impacted by climate change? That point was also raised by my hon. Friend the Member for Henley (John Howell) in relation to the establishment of grazing reserves. Such things would be significant steps.

I will conclude with the haunting words of Lord Alton. Speaking in the other place earlier this year, he quoted the Archbishop of Abuja, who described the escalating violence as “territorial conquest” and “ethnic cleansing”, and said that “the very survival of our nation is...at stake”. Lord Alton went on to ask:

“Are we to watch one of Africa’s greatest countries go the way of Sudan? Will we be indifferent as radical forces...seeking to replace diversity and difference with a monochrome ideology that will be imposed with violence on those who refuse to comply? We must not wait for a genocide to happen, as it did in Rwanda. Ominously, history could very easily be repeated.”—[Official Report, House of Lords, 28 June 2016; Vol. 792, c. 286.]

I repeat his warning today.

Mr Clive Betts (in the Chair): I thank hon. Members for their co-operation. We will now move on to the winding-up speeches, for which there are a good 10 minutes each, and we will leave a couple of minutes at the end for the hon. Member for Strangford (Jim Shannon) to respond to the debate.

10.25 am

Chris Law (Dundee West) (SNP): It is a pleasure to serve under your chairmanship, Mr Betts, and I thank the hon. Member for Strangford (Jim Shannon) for securing a debate on this important and grave issue. I also thank other hon. Members for their invaluable contributions today.

Without doubt, the farmer-herder conflict has become Nigeria’s gravest security challenge. The tensions and violence between nomadic Fulani herdsmen, who are mostly Muslim, and farmers, who are predominantly Christian, over land and natural resources have a long history throughout sub-Saharan Africa. As we heard from the hon. Member for Stirling (Stephen Kerr), and at the start of the speech by the hon. Member for Strangford, there have been 60,000 deaths since 2001, and attacks have escalated dramatically this year.

According to a report released by the International Crisis Group in July, violence between Nigerian farmers and herdsmen killed at least 1,300 people in the first half of 2018 and claimed “about six times more civilian lives than the Boko Haram insurgency”.

Outside this Chamber, very few people are aware of the current conflict in Nigeria, yet we are all very much aware of Boko Haram. Indeed, when researching for this debate, I found only a small number of articles in the press, so the first question to ask is: why is this conflict largely unreported?

In June, 86 people died in just one incident in Plateau state after violent clashes broke out between farmers and cattle herdsmen, and the violence has continued unrelentingly during the second half of the year. It is clear that this violence has evolved from spontaneous reactions to deadlier planned attacks, particularly in Benue, Plateau, Adamawa, Nasarawa and Taraba states.

The conflict’s roots lie in the degradation of land due to climate change, and increasing violence in the country’s far north, which has forced herdsmen south. As farms and settlements expand, they swallow up grazing reserves and block traditional migration routes, and farmers’ crops are damaged by the herdsmen’s indiscriminate grazing.

Three immediate factors explain the escalation of violence this year. First, there is the rapid growth of ethnic militias bearing illegally acquired weapons—that point has already been made. Second, there is the failure of the Nigerian Government to prosecute past perpetrators or notice early warnings of impending attacks. Third,
there is the introduction in November last year of anti-grazing laws, which were strongly opposed by herders, sparking further clashes with farmers.

Nigeria’s Administration, led by President Buhari, have been accused of not doing enough to stop the violence. The report in September 2017 by the International Crisis Group analysed the roots of the conflict and laid out detailed recommendations for resolving it. Those recommendations remain largely valid, and I suggest that the Minister reads the report if she has not already done so. It focuses on immediate priorities—tasks that both the federal and state authorities, as well as community leaders and Nigeria’s international partners, must urgently undertake to stop the violence spinning out of control. It recommends that the Nigerian Government deploy more police in affected areas, improve local ties to gather better intelligence, and respond speedily to early warnings and distress calls. In addition, they should begin to disarm armed groups, and closely watch land borders to stop the inflow of firearms. The Nigerian Government should also order an investigation into all recent major incidents of farmer-herder violence, and may need to expedite the trials of anyone found to have participated in violence. They should expand in detail the new national livestock transformation plan and implement it immediately. It is also important that they encourage herder-farmer dialogue and support local peace initiatives.

Where do the UK Government fit in? They can play a leading role in tackling this conflict, and it goes without saying that they must do all they can to put a stop to this violence. Can the Minister tell us today what the co-ordinated and practical actions DFID is taking to alleviate the tensions around resources and whether it is providing enough aid to ensure that people are not at risk of starvation or of losing their cattle or harvests? It is important that more resources should be committed to internally displaced persons in Benue, Nasarawa and Plateau states, with special attention to women and children, who constitute the majority of the displaced.

Jim Shannon: I am reminded of the abduction of schoolgirls and young women, probably into forced marriages and forced conversions, which has not been mentioned so far. One young girl who is on our minds and who I pray for every morning—many others probably do too—is Leah Sharibu, who was kidnapped and has still not been freed. I think that the Government need to look at that. Does the hon. Gentleman agree? In her response, can the Minister indicate what help has been given in terms of her discussions with the Nigerian Government to provide protection for schools in northern Nigeria, where people are very vulnerable to abduction and kidnapping?

Chris Law: I thank the hon. Gentleman for his comments. I share his concerns and look forward to what the Minister has to say. Over the last couple of years in particular, we have often heard about Boko Haram and the kidnapping of schoolchildren and women, who are forced into marriage and are often never seen again. I particularly want to hear what the Minister has to say on this point.

Can the Minister tell us what action DFID is taking to explore the link between water shortages and climate change and to review UK climate justice policies accordingly? In particular, I recommend that she considers the success of Scottish Government innovations in this area. Can she explain how the UK Government are encouraging and supporting the development of effective Government mechanisms and policies that are able to arbitrate fairly and earn the confidence of all the people of Nigeria in finding a resolution? Finally, what actions are being taken to grow and strengthen the UK’s capacity or the capacity of international agencies as observers, to ensure that such escalations can be reasonably identified in advance? We have heard today about the question of genocide, and it is potentially imminent. The SNP would support the introduction of a 12-point system for gauging genocide risks instead of the traffic light system currently used by the UK.

In conclusion, despite escalating at an alarming pace, the farmer-herder conflict has been completely under-reported, which is why we must speak out more loudly against these atrocities. We simply cannot turn a blind eye to what has become Nigeria’s gravest security challenge. I look forward to hearing from the Minister what actions the Government are taking to make sure that the UK is playing its part to help put an end to this deadly conflict and to explore further what is behind the underlying tensions.

10.32 am

Liz McInnes (Heywood and Middleton) (Lab): It is a pleasure to serve under your Chairmanship, Mr Betts and to follow the hon. Member for Dundee West (Chris Law). I am grateful for the opportunity to speak for the Opposition in this important debate and I thank the hon. Member for Strangford (Jim Shannon) for his eloquent and passionate introduction to the debate. It is clearly an issue about which he is knowledgeable and passionately concerned.

I pay tribute to my constituent, Mr John Wilkins, who shares the hon. Member for Strangford’s passion for and interest in the situation. Although many hon. Members in the Chamber have remarked that this issue has not made the news, Mr Wilkins ensures that I am kept well informed of the terrible situation, and he is very grateful to the hon. Member for Strangford for calling the debate.

I am grateful to the hon. Members and hon. Friends who have spoken in the debate. I particularly mention the contributions made by the hon. Member for Congleton (Fiona Bruce), who is no longer in her place, who voiced legitimate concerns about the situation developing into genocide and about the role of religion in the violent attacks, which has been acknowledged by many in the Chamber. My hon. Friend the Member for Stroud (Dr Drew) gave us an insight into the development of the situation, drawing on his visit to Nigeria in 2006. The hon. Member for Torbay (Kevin Foster) spoke about historical instability in Nigeria. The hon. Member for Henley (John Howell) spoke about the intensity of the problem and the actions of President Buhari, who is facing the International Criminal Court for actions against Boko Haram. The hon. Gentleman, like my hon. Friend the Member for Stroud, raised the important issue of the role of state governors in facilitating the violence. Finally, the hon. Member for Stirling (Stephen
Kerr) spoke about the role of climate change in the conflict and about the illegal supply of weapons to Fulani herdsmen.

It is immensely important that we discuss the intercommunal violence of Nigeria’s volatile middle belt, which divides the largely Muslim north from the Christian south. The area between Kaduna and Plateau states has witnessed internecine violence over the past two decades which has claimed too many lives. As has been noted, violence between Nigerian farmers and herdsmen killed at least 1,300 people in the first half of this year. It has been said that this is “about six times more civilian lives than the Boko Haram insurgency”.

The fact that this intercommunal violence has claimed more lives than one of the most dangerous terror groups in the world means that this issue deserves our most urgent attention.

As we have heard in the debate, disputes between pastoralists and farmers have historical roots and comprise many issues, such as land and natural resources, as well as the struggle for cultural and religious control. More recently, the effects of global warming have driven the intercommunal conflict. Longstanding and complex issues like these will not be solved by quick fixes, but instead will need a collaborative approach to implement initiatives with a long-term focus. This is likely to be a major election issue when Nigerians go to the polls early next year.

I welcome President Buhari’s condemnation of the violence and his commitment to justice. However, it is important that we now aim to achieve solutions to the decades-old conflict that are durable and settle disputes for all those involved.

Jim Shannon: The hon. Lady reminds me that some 300,000 men, women and children have been displaced. I do not think we can ignore the problems, which are having an impact on other parts of Nigeria as well. People hope to return to their homeland, but just how will that happen? Does the hon. Lady think that the Government should be addressing the issues of the displaced in the discussions with Nigeria?

Liz McInnes: I thank the hon. Gentleman for that important point, which I think has also been made by several hon. Members during the debate, with reference to the genocide in Rwanda and the situation in Sudan. I would be grateful if the Minister could give us some idea about what action the UK Government are able to take to help those who have been displaced. It would be helpful if the Minister explained specifically what assistance the UK Government and DFID are giving to the Nigerian Government in general, to help deal with these violent episodes.

The Minister will know that the Most Reverend Primate set out three recommendations for addressing the violence during a recent debate in the other place. He recommended that the Nigerian Government strengthen their role of enforcing security and local mediation; ensure reconciliation between farmers and herdsmen; and actively and tangibly support regional efforts to combat the effects of climate change, which is exacerbating ancient rivalries. Would the Minister explain what steps the UK Government are taking to support Nigeria in the three points raised by the Most Reverend Primate?

Mr Clive Betts (in the Chair): I am sure it will be possible to give the hon. Member who moved the motion a couple of minutes to respond at the end.

10.39 am

The Minister for Africa (Harriett Baldwin): It is a pleasure to serve under your chairmanship this morning, Mr Betts. I congratulate the hon. Member for Strangford (Jim Shannon) on securing this important debate, on a matter that he has pursued tirelessly not only in the Chamber but through his role as chairman of the all-party parliamentary group on religion or belief. He has demonstrated a long-standing commitment to Nigeria and to the issue that we are debating today. I pay tribute to the wisdom and experience of the hon. Members taking part in the debate, as they have shared a range of perspectives, and made excellent points based on their own engagement with the issue—the hon. Member for Stroud (Dr Drew), my hon. Friends the Members for Congleton (Fiona Bruce), for Torbay (Kevin Foster), for Henley (John Howell) and for Stirling (Stephen Kerr), and of course the hon. Members for Dundee West (Chris Law) and for Heywood and Middleton (Liz McInnes). I also thank Mr Wilkins for his continuing engagement with what is an important, complex and complicated issue.

We have heard the concern of all the hon. Members who spoke about the current situation. That concern is well founded because intercommunal violence is the biggest internal security challenge facing Nigeria today. In fact, as we heard repeatedly, in 2018, more lives were lost as a result of that conflict than in the separate conflict with Boko Haram. As the UK is a long-standing partner of Nigeria, it is right that we seek to understand the reasons for the violence, and I appreciate and welcome the inquiry undertaken by the all-party parliamentary group.

The key point that I want to make clear, as I did last week when I met the all-party group, is that the situation is not a straightforward, binary religious dispute between farmers and herdsmen or Christians and Muslims, although it is sometimes portrayed in that way, particularly in the local Nigerian media. We heard from colleagues that there are a range of causes. We also heard—and it is true—that farming communities are not the only victims, as the rather unequal media reporting tends to suggest. Sadly, there have indeed been a number of reports this year of attacks by Fulani herdsmen on farming communities in Benue state, Berom and Jos that have led to serious loss of life and deserve clear condemnation.

The causes of the conflict are complex. Herder communities have also been victims of the violence, and both communities are believed to have suffered hundreds of casualties. Colleagues have cited assessments, and Amnesty International assesses that last year intercommunal clashes resulted in about 550 deaths. This year, the number of incidents and the level of violence are rising. Reports suggest that the number of deaths has already exceeded 1,850. The source for that figure is the Armed Conflict Location and Event Data Project. Incidents have been reported in all regions of the country.

Why is the conflict escalating, and what are the underlying reasons? As we heard in the debate, one reason is that herdsmen, who for centuries have followed ancient migration routes across west Africa, have been
forced to divert south, owing to a range of factors including population growth, urbanisation, desertification and failures of governance. That has brought them into direct competition with farming communities for scarce land and water, and their cattle have encroached on farms, causing costly damage to crops. That has understandably led to tensions, then to a cycle of violent reprisals, criminal banditry and cattle rustling. The religious identity of the groups involved is certainly a factor, but again it is not as clear-cut or as dominant as it might seem. Not all herdsmen are Muslim Fulani, and not all farmers are Christian. If religion were taken out of the equation completely, the violence would not go away.

That is because other issues are also involved, including ethnic prejudices, the growing availability, mentioned by several colleagues, of weapons—many of them smuggled through criminal networks from neighbouring conflict zones—and discontent with the way in which the violence is dealt with by the authorities. Both farming and herding communities complain that their demands for justice have not been met. That is feeding a sense of victimhood and encouraging vigilantism on both sides.

All those factors and grievances, some old and some new, are fuelled by partial media reporting and a narrative that portrays what is happening as a religious conflict. There is a real risk that the violence could escalate further if it is not addressed effectively.

Colleagues have asked about the role of the UK Government, who are of course extremely concerned about the violence. It is destroying communities and poses a grave threat to Nigeria’s stability, unity and prosperity. It poses significant risks to the peaceful conduct of next year’s important presidential elections; so we take every opportunity to raise our concerns with the Nigerian Government at every level. When the Prime Minister and I were in Nigeria in August, she discussed the issue with President Buhari, and I was able to raise it with the Vice-President and Foreign Minister. My hon. Friend the Member for Torbay asked about the defence and security partnership. Of course we have a strong defence and security partnership with Nigeria—specifically focusing on joint work to defeat Boko Haram and Islamic State in West Africa, in the north-east of the country. In addition, we have offered UK assistance and repeatedly called on the Government to demonstrate a clear strategy for ending the bloodshed, resolving the conflict and ensuring that the needs of all affected communities are met.

Jim Shannon: May I ask the Minister, as I asked the hon. Member for Dundee West (Chris Law) when I intervened on him, about the abduction and kidnapping of schoolchildren? What is happening—kidnappings and abuse—is abhorrent. I am ever mindful of Leah Sharibu, a young Christian schoolgirl, who was abducted and is still in that situation. Did the Minister or Prime Minister have an opportunity on their visit to Nigeria to raise her case, and the issue of protection for schools in northern Nigeria? I am a father and grandfather and I ask the Minister, who is a mother, what could be worse for anyone than knowing their child or grandchild had been abducted and taken away, never to be seen again.

Harrriet Baldwin: I thank the hon. Gentleman for raising that case, which, in relation to the conflict in the north-east and Boko Haram and Islamic State in West Africa, would merit a debate of its own. Our hearts go out to Leah Sharibu and the 113 kidnapped girls, some four years after the original kidnapping. Of course the hon. Gentleman will know that the UK is passionate about promoting the value of education for girls around the world, in particular.

Our high commission in Abuja is engaging closely with religious and traditional leaders from a range of communities and faiths. We are working with international partners to support the Nigerian Government in their strategic response, and encouraging them to address all the complex causes of violence. Colleagues asked about the role of DFID programming. Of course that is focused very much on ending poverty and tackling the drivers of poverty. In that context, this year, our programming bilaterally in Nigeria is some £235 million, but that would be added to by the multilateral programming that we engage in through other organisations. The emphasis is on the kinds of approaches known to be best for addressing the causes of poverty in the long term, such as education, nutrition—particularly for under-fives—and healthcare programmes. There are programmes on adaptation to climate change; access to safe water and sanitation for many communities; governance at federal and state level and, for next year, ensuring that free and fair elections are held. Many programmes are about human trafficking. There is an extensive range of DFID programming in Nigeria, but it requires political will in Nigeria. Political will to deal with the situation at the federal level is vital.

We have heard clearly in the debate that there is not a one-size-fits-all solution. The causes of the violence vary across all the states, and so must the solutions. I welcome the call from the hon. Member for Strangford for objective journalism to play a role. He will be aware that the BBC World Service is expanding its footprint in Nigeria, based in Lagos but broadcasting on a wide range of Nigerian issues. I draw colleagues’ attention to an important report by the BBC’s “Africa Eye” that was put out recently on the role that Facebook and fake news are playing in spreading unreliable reporting and inflaming tensions in this area.

Jim Shannon: I asked the Minister in my contribution, as have others, whether it is possible to have an independent inquiry in Nigeria, bringing together the evidential base of what is happening and the reasons for it, and then to present that to the Nigerian Government, while ensuring that the inquiry takes place without the overbearing influence of the Nigerian Government—that it is independent, in other words. Is that something the Minister could help us to achieve?

Harrriet Baldwin: I welcome the inquiry that the hon. Gentleman’s committee is undertaking, but in terms of an inquiry within Nigeria, which I think he is alluding to, we are exploring options for how the UK could support the dialogue and peacebuilding efforts, working closely with like-minded international partners. That offer is definitely on the table and we would welcome ways of providing constructive engagement on this issue.

Chris Law: I thank the UK Government for the support they give in Nigeria through DFID. The Minister has listed a number of key areas—education, nutrition,
health and governance, but also adaptation and saving water, which I want to focus on specifically. A number of hon. Members in this House are concerned about the root causes of the security issues in the north and the bloody violence that has ensued, and I want to know specifically how much of that funding goes toward adaptation and mitigation in the north, and what lessons could be learned about what funding will be needed in future to support a peace process?

Harriett Baldwin: I would like to reassure the hon. Gentleman that, as he will know, the focus on this important area is one where the UK has been at the forefront of international commitments. He will know that we are committed to spending some £5.8 billion on the international climate commitments we have signed up to through the Paris accords. That means that there is a range of programming and we can increase the programming in parts of the world that are particularly vulnerable. I do not have time in this debate to go through the long list of ways in which we work in this area, but he should be reassured that it is an area where UK Government commitments and programming are only growing in the years to come.

Jim Shannon: Will the Minister give way?

Harriett Baldwin: It is almost like a conversation. I give way to the hon. Gentleman once more.

Jim Shannon: It is always a pleasure to be in a conversation with the Minister. One of the things that I and others have mentioned is how different faiths can react better together. As chair of the all-party parliamentary group for international freedom of religion or belief, I, along with others in the audience and around the Chamber, see that we need to have that dialogue. Has the Minister been able to have any discussions with the Nigerian Government to encourage that dialogue between Christians and those of Islamic faith? Sometimes when we talk and have a dialogue about things, there is a respect, tolerance and love that come from that. Can I get her thoughts?

Harriett Baldwin: We are exploring options for how we could support that dialogue and those peacebuilding efforts. The hon. Gentleman will be aware that the next two to three months in Nigeria are part of an election campaign and that the UK is concerned that the politics around this issue sometimes exacerbates and drives the conflict. We welcome the commitment of both main candidates for the presidency to make this debate happen.

Jim Shannon: I thank right hon. and hon. Members for their significant, heartfelt, sincere and conscientious contributions on an issue that touches all our hearts and our persons; that is why we are here. I thank the shadow Minister, the hon. Member for Heywood and Middleton (Liz McInnes), as always, for her contribution. I know it is her job to be here, but she is also here because she has an interest in the subject matter, as I know from my discussions with her. I thank the Minister for her response to what has been said on the issues of poverty, education, the environment, land grabs and human trafficking, the escalating violence and the brutality. The hon. Member for Henley (John Howell) and others referred to that escalation of violence; it is something that we cannot comprehend, but it is even worse than what Boko Haram has done to the Fulani tribesmen. That issue, and the genocide that has taken place, affects us all.

I thank the representatives from the audience, from Christian Solidarity Worldwide, for their contributions. I met the hon. Gentleman many years ago on a trip we had to Egypt, looking into a similar issue in that country, and I know he has an interest in Nigeria. We thank him for his contribution and his help with this debate, and we thank the staff of the APPG, particularly Amro Hussain, for putting the evidence and information together to make this debate happen.

As I always say, because it is so important, this House always shines when we come together, from both sides of the Chamber, and collectively show what we are here for. Our job is to speak on behalf of others, and as an MP, like other MPs in this House, I do so regularly, every day that we are here in this House. Our job is to speak up for those who have no voice, to ensure that those people, our Christian brothers and sisters and those of other religions, facing conflict in Nigeria will know that this House has come together to speak on their behalf and hear a significant response from the Minister to help us to move forward. We hope that over the next period of time, the dialogue we have initiated through this debate will bear fruit and the people of Nigeria will be free from the violence that plagues that country and will be able to have that love, tolerance and respect that we think are so important and that this House often proposes as a way forward.

Question put and agreed to.

Resolved.

That this House has considered the matter of armed violence against farming communities in Nigeria.
Carer's Allowance Overpayments

11 am

Ruth George (High Peak) (Lab): I beg to move.

That this House has considered overpayments of carers allowance.

I called for the debate because of cases that have started to emerge and reports that there are hundreds more, if not thousands. It was reported earlier this month that George Henderson from Preston, who is 58 and cares for his mentally ill son, who is also a heroin user, is being taken to court for an overpayment of carer’s allowance of £19,500. George was not aware of the earnings limit and claimed carer’s allowance for six years until a Department of Work and Pensions compliance check discovered that he had exceeded it.

Not only was George taken to court earlier this summer, when he was told to pay back £106 a month out of his disability payment, but the DWP prosecuted him again earlier this month under the Proceeds of Crime Act 2002, seeking repayment of the full amount of overpaid carer’s allowance by Valentine’s day next year, forcing him to sell his house or face seven months in jail. His house is now up for sale, and he faces being unable to continue to care for his son, either because he will have to work more hours—if he can; if he gets the operation he needs—to be able to pay rent and afford a house, or because he will be in jail.

The Guardian reported last month that DWP plans to go back over its records for the last eight years—the period since such a check was last done properly—will result in at least 10,000 cases of historical overpayment of carer’s allowance, with around 1,000 carers facing criminal prosecution. I ask the Minister, as I ask the House: is that the message that we want to go out to carers?

There are 6.5 million unpaid carers in the UK—estimated to increase to 9 million by 2037—who save the economy an estimated £132 billion a year. The “better care, closer to home” model for the NHS and social care relies heavily on unpaid family or friends, in spite of more older people living alone. We therefore need to encourage more carers to come forward who are not necessarily the partner or even the child of the person they care for.

I pay tribute to all unpaid carers. They are indispensable to the person they care for and vital to society. Less than half of carers work, and one in six has given up work at some point to fulfil their caring role. The benefits of their caring roles are well recognised, as are the benefits of work both to carers, in providing some respite from their caring role, boosting their self-esteem and providing them with more interaction with others, and to society, because helping carers into the labour market prevents their skills from being lost. Work also provides income, which is important, as 35% of carers are in poverty, which is 14 percentage points higher than adults overall.

By caring for someone full time, a carer saves a local authority the cost of a care home place, which is about £750 a week in my area in Derbyshire, but much more in more expensive parts of the country. For that minimum of 35 hours of care a week, a carer can receive carer’s allowance of £64.60 a week—about £700 a week less than the cost of a local authority care home. It is also equivalent to, at most, £1.85 an hour, or £3,360 a year, so obviously many carers must work to make ends meet. The person they care for will be on disability benefits, which have not kept pace with the cost of living for people on low incomes, and they will have no way to increase their income.

Most carers cannot work full time so they seek part-time work to fit around their caring duties. That is often necessarily low-paid shift work. A carer can earn a maximum of £120 a week while also claiming carer’s allowance, so their maximum income from both work and caring is £184 a week, or £9,600 a year. It is no wonder that carers are disproportionately poor. However, unlike almost every other benefit and despite the principle enshrined in universal credit, a carer earning just £1 over the £120 threshold ceases to be eligible for any of the £64.60 carer’s allowance. That cliff edge causes huge problems. When I worked for the Union of Shop, Distributive and Allied Workers, I saw people receiving a pay rise of just 1% or 2% unwittingly going over the earnings limit and being due to repay hundreds or sometimes more than £1,000 in carer’s allowance at the end of the year, causing huge hardship.

There is a case online of a carer desperately seeking advice. They had a 10p an hour pay rise, meaning that they unknowingly exceeded the earnings threshold over nine months by just £1.08 a week. For the extra £42.12 that they earned, they were forced to repay £2,500 in carer’s allowance. How does the Minister think that fits with the principle of a fair benefits system in which someone is always better off in work? The distress that it has caused is obvious from the post. The carer’s partner says:

“We are not criminals, we simply didn’t realise. We have enough to do looking after our disabled daughter, we can’t afford to pay this back, what can we do? Please, please help. Why have we got to pay so much back? Will it be a black mark on our credit rating? Will it be a conviction against my wife, who works in a school and may not be able to do so anymore? We are so upset.”

Their being upset is understandable.

If someone on carer’s allowance earns £120 a week, their total income will be £184.60, but if their pay goes up by just £1, their total income will be £54.60 a week less—just £121. With such a cliff edge, it is vital that carers are well aware of the earnings limit, but there is lots of evidence that they are not. Carers UK does a great job of supporting carers with an online forum on which carers report their problems. It told me of one carer who looks after someone who is severely disabled and who knew that they would earn more than the threshold for two months running. They dutifully contacted DWP to report their change in circumstances, but then received a notice of overpayment over the previous year, which came as a total shock and surprise. They had not realised that they were earning several pounds over the threshold. They are now paying back the overpaid allowance over 18 months while on a severely reduced income, putting them even more into poverty.

When the Work and Pensions Committee quizzed the DWP’s permanent secretary, we were told that a letter, which has been the same for six years, states: “From 09/04/2018 you can earn up to £120.00 each week from work you do for an employer or as self employment, after taking off certain expenses, before your Carer’s Allowance is affected.”
For starters, it does not set out what the “certain expenses” are, and nowhere that I can find, other than in the regulations, does the Department—the Government—actually do that. The information on the gov.uk website is certainly very unclear, and even when people receive a compliance form to complete, they are simply asked, “What expenses do you incur?” They are given no guidance on what those expenses might be.

The standard letter, which sets out the changes of circumstance that the DWP needs to know about, does not set out that people need to inform the Department if their earnings exceed £120 a week. Yes, under the heading “Changes we need to know about” it says, “When you start work, whatever your earnings, you need to let us know,” but it also says:

“If you have already told us that you are working, you must tell us if your earnings go up or any expenses already claimed change. You must also tell us if you work any overtime or receive a bonus.”

That simply does not fit with the reality of today’s low-paid shift work, whereby people’s hours go up and down all the time. There is rarely a concept of overtime anymore, because people do not have set hours of work. There are very rarely bonuses for people doing such work. The advice fits with a long-gone era in which people had a contract for set hours of work and received extra in overtime. Also, nowhere does the letter say clearly, “If you earn £120 in any one week, you will cease to be eligible for carer’s allowance that week, unless you pay out certain expenses”—with those expenses set out—“and you must inform us.”

It is therefore not surprising that carers are unaware of the rules. Even if they are aware, the letter, which comes from the DWP—its logo is at the top—is signed simply by a “Manager”. It does not inform the claimant that they have to inform the Carer’s Allowance Unit specifically of any changes. Among the examples that Carers UK has come across is that of a carer who said:

“There is a very strong possibility that I have been overpaid Carer’s Allowance for almost three years. As you can imagine I feel sick to the pit of my stomach.”

I am not surprised: they will have been overpaid about £10,000. The carer continues:

“I did not realise that it was ‘means-tested’. I thought because I’d had contact and had updated the DWP when I was moving from Income Support into work that they’d know.”

Claimants are informing the Department for Work and Pensions of their work circumstances, but they are not informed in the letter that they need specifically to inform the Carer’s Allowance Unit.

With the lack of information and the huge cliff edge, it is obviously imperative that the Department takes a responsible attitude to compliance checks for carer’s allowance—there are such huge losses for people if they are overpaid. When I worked at USDAW, we would see difficult cases, but for a maximum of a year. Now, we see cases lasting three or four years and racking up thousands of pounds in overpayments. I ask the Minister: why is that the case when real time information has given the DWP monthly earnings data since 2014? In 2014, the number of cases taken up dropped drastically. In 2011-12, there were more than 30,000 cases of overpayment of carer’s allowance, but in 2014, 2015 and 2016, that more than halved to just 14,500 cases, despite the Department having much more detailed, and electronic, information. Bearing it in mind that two thirds of cases of carer’s allowance overpayment involve earnings over the threshold, it seems like thousands of cases have been missed in the last few years, since the dramatic drop in 2012-13 when cuts were made to administrative staff in the DWP. Staff have been drafted in from the compliance unit in Ramsgate and from pensions offices in Motherwell and Ilford to deal with the backlogs, but those backlogs can now go back over several years, costing carers thousands of pounds. Carers are starting to come forward and, on the evidence seen so far, are being dealt with extremely harshly. A case reported a couple of weeks ago from Belfast was of a carer from whom a payment of more than £14,000 of carer’s allowance is being sought in full by 5 January or—again—they face a jail term.

I have some questions for the Minister. Does he think that the information given to carers about the earnings threshold is clear enough to be fully understood and acted on by individuals who are in a very demanding role and combining that with paid work, while doing all the juggling that people have to do when they are on a very low income? Will the Minister please commit to looking at that information, both in the letters received by all carers and online, and making it clearer? Does he believe that the DWP has used all its ability to seek to ensure compliance with carer’s allowance earnings rules and to keep overpayments to a minimum? Does he think that, in the circumstances, it is proportionate to seek such huge sums from low-paid carers? One compliance officer working in the Carer’s Allowance Unit has calculated that more than 30% of recent overpayments were for amounts of earnings less than 20% over the threshold, so for less than £24 a week, people are being prosecuted for £64.60 a week going back over many years and thousands of pounds.

Will the Minister please look again at the policy for these people who have been overpaid as he looks at the information for carers? Also, I hope that, with a new regime in the Department for Work and Pensions and a new Secretary of State, the Department will look again at the report from the Work and Pensions Committee on carer’s allowance and the cliff edge, and reconsider the possibility of a taper so that we cease to see huge overpayments, cliff edges and the impoverishment of carers, to whom we owe so much.

11.17 am

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): It is a pleasure to serve under your chairmanship, Mr Betts. I thank the hon. Member for High Peak (Ruth George) for opening the debate. She displays a huge amount of knowledge, passion and care in this area, and she has raised many points that the Government and I would agree with.

Carer’s allowance actually falls within the remit of my hon. Friend the Minister for Disabled People, Health and Work. There is an outstanding relationship with Carers UK, both at ministerial level and with officials. There are regular meetings with Carers UK, and many of the points raised in this debate have been raised previously and are being looked at and reviewed, so the debate is very timely.

As an individual, I share much of the passion that we have heard today. Not a lot gets me emotional, but I remember, in my early days as a constituency MP,
meeting young carers, who are often forgotten in debates about carers. I am talking about children who have often lost the things that we all took for granted when growing up, as they have taken on caring responsibilities. It was a particularly moving meeting, and one that I have never forgotten, so I was happy to step in for this debate.

The Government recognise and appreciate the vital contribution made by informal carers, who provide invaluable support for relatives, partners, friends and neighbours who may be ill, frail or disabled. We also recognise the important role that many carers’ organisations play across the country in supporting carers, including those in the hon. Lady’s constituency, such as the Blythe House and Buxton carers’ support groups, which I am sure that she, as a diligent constituency MP, will have had much involvement with.

The Government are already supporting carers in a number of ways, including through the benefit system. About 850,000 people currently receive carer’s allowance. Since 2010, the rate of carer’s allowance has increased from £53.90 to £64.60 a week, with a further increase to £66.15 planned for April 2019, meaning an additional £635 a year for carers since 2010. By 2023-24, the Government forecast a spend of around £3.4 billion a year on carer’s allowance, which is a real-terms increase of more than one fifth since 2016-17.

Carer’s allowance offers a measure of recognition of the vital contribution that carers make to our society, although we fully appreciate that many make substantial sacrifices to care for their loved ones. That is why in June 2018, the Government published “Carers action plan 2018 to 2020: supporting carers today”, which sets out a two-year programme of targeted work to support unpaid carers. The plan puts a focus on practical actions to support carers and gives visibility to the work already under way or planned within Government.

However, I recognise that there are concerns about carer’s allowance, particularly around earnings and the possibility that a number of claimants may have been overpaid. Again, I pay tribute again to the hon. Lady, who raised some of those issues, which have been raised in the media, through the work of the Work and Pensions Committee and through her own recent, diligent parliamentary questions. It is in everyone’s interest that we deal with fraud and error effectively, preferably by stopping it happening in the first place.

We have been discussing updating our measurement of carer’s allowance fraud and error with the National Audit Office over the last year or so. We now plan to start the measurement during 2019, with the intention of publishing revised estimates during 2020. This is vital, because the last time we did this was in 1996-97. A huge amount has changed since then—not only the technology, but the way people work and their circumstances, as the hon. Lady mentioned. We suspect that the estimate of 5.5% fraud and error, which was set in 1996-97, does not reflect the reality today. The new measure, which will come in next year, can accurately set out where we should be, and where we should then target and prioritise our resources to prevent, identify and counter fraud and error even more effectively and efficiently.1

However, we are not complacent about fraud and error and already have a number of measures in place to deal with it. We are also reinforcing to carers their responsibility in informing the Department of any changes to their circumstances. Our priority has been to try to clear new carer’s allowance claims as quickly as possible, including during a period when the number of carer’s allowance claims has increased significantly. In part, that increase is due to the great work of stakeholders to raise the profile of carer’s allowance. We have also done our part by introducing the new online claim system, which is easier to use and—perhaps surprisingly for a Government online system—has a 90% satisfaction rate, so there are certainly some lessons for us to learn there.

Our performance here has been consistently improving, partly as a result of recruiting new staff—an additional 150 in the last 12 months alone. Many of them are based in the Preston, Blackpool and Swansea offices. I know that the Minister for Disabled People, Health and Work visited the Preston office in the summer, in her role as the Minister responsible for carer’s allowance. She was very impressed with the enthusiasm and hard work of the staff.

Ruth George: The Minister says that performance is improving. In what way is it improving? Does he mean that they are now going back over these historical overpayments and requesting them back from carers? Most carers and most people in this House would not see putting right the wrongs of previous years by finally investing in compliance to be a performance improvement, at least not for the carers that it affects.

Justin Tomlinson: I am coming on to what those staff will be doing and the improvements that we are bringing forward. As well as focusing on new claims, we are working hard to reduce backlogs elsewhere in the system, remind carers of their responsibilities and make better use of available technology.

The Department for Work and Pensions takes every care to explain a claimant’s responsibilities when they apply for carer’s allowance. This includes the need to report changes on time. Our annual notifications help remind claimants how important that is. We also provide information on the website gov.uk, while customers who need additional advice can contact the Carer’s Allowance Unit for further information, and we encourage stakeholder groups to help to share that information.

I absolutely understand the points the hon. Lady made about whether the guidance is perfect. When the Work and Pensions Committee raised questions with the Minister, we recognised that there were improvements to be made in this area. We have already made significant changes to the website. I also accept the points made about the letter, which the hon. Lady went through. I will encourage the Minister for Disabled People, Health and Work to meet with her personally to discuss the specific points about the quality of that guidance and information. We absolutely have to get that right, and it was a fair point to raise.

The consequences of not keeping the DWP up to date, including the need to repay overpayments, are clearly stated during the initial claims process and in our annual uprating letters. Therefore, every claimant has an obligation to tell us when their circumstances change. As with all benefits, the DWP has a responsibility to

recover an overpayment where a claimant has failed to disclose a change that would affect their entitlement. Where there is an overpayment, the DWP will always look to recover the debt through a sustainable repayment plan. Where a claimant is having difficulty repaying a benefit overpayment, they can request a reconsideration of the amount that is being taken. It is also important to note that once a claimant has told us of a change of circumstances, they would not be responsible for overpayments from that date. However, we must recognise that we need to work with claimants to help them avoid overpayment and to ensure that we pay the correct amount.

In recent years, the DWP has introduced new technology to make it easier to identify and prevent overpayments, with cases checked against earnings information held by Her Majesty’s Revenue and Customs. The new verify earnings and pensions—VEP—system, allows us better to check earnings declared by carers to the DWP against tax records, and it allows staff to quickly take any action to clear up any discrepancies. Where we do have arrears from previous exercises, our priority is to ensure that the benefit is being paid at the correct rate in order to provide regular financial support. Once we have done this, we can determine any overpayment that might have accrued. Even when there has been a delay in dealing with a change in circumstances, as a carer’s allowance claimant can earn £120 net of allowable expenses a week, many of these claimants will have been paid correctly anyway. We will be increasing the carer’s allowance earnings limit again from £120 to £123 a week from April 2019. The Office for Budget Responsibility forecasts that average earnings will increase by around 5.1% between 2017 and 2019, whereas we will have increased the carer’s allowance earnings limit by 6%.

The Government acknowledge the vital role played by carers and the valuable work that carers’ organisations carry out on behalf of carers. We recognise that the UK’s 6 million carers play an indispensable role in looking after friends or family members who need support, which is why it is so important that carers should continue to have access to a dedicated benefit that recognises their particular contribution to society. Our staff work hard to support carers and pay people the right entitlement. I know that the Minister for Disabled People, Health and Work is very passionate about this, and it is a real priority for her. Equally, there are improvements in place that mean that we are tackling arrears and have a much smoother process for taking account of any earnings changes going forward. I thank the hon. Lady for giving me the chance to talk about carer’s allowance.

Question put and agreed to.

11.28 am

Sitting suspended.

Universal Credit and Child Tax Credit: Two-child Limit

[Mr Gary Streeter in the Chair]

2.30 pm

Alison Thewliss (Glasgow Central) (SNP): I beg to move,

That this House has considered the two child limit in universal credit and child tax credit.

It is a pleasure to serve under your chairmanship, Mr Streeter. It is surreal still to be here debating the two-child limit in universal credit and child tax credit. When I saw the limit and the cruel and pernicious rape clause that stands part of the policy laid out in the Chancellor’s Budget in 2015, I was sure that I had made a mistake. After all, no humane Government would propose such a blunt instrument as limiting support to the first two children in a family, or making a woman prove that she has been raped just to put food on the table.

Unfortunately, I was wrong. It is three years, four months and 20 days after that Budget, and the UN special rapporteur on extreme poverty and human rights has found that the UK Tory Government is exactly such an inhumane Government. Despite warnings from all manner of groups, cross-party support and U-turns on other policies over the years, the two-child policy is apparently the one that the UK Tory Government will stick to through thick and thin.

The policy stands in judgment on people’s lives and suggests that those who are less well off “cannot have as many children as they like”—[Scottish Parliament Official Report, 24 October 2018: c. 52] as Tory social security spokesperson Michelle Ballantyne MSP said. The policy is damaging in the extreme, and I will outline to the Minister exactly why. I would also like to give him the opportunity to think again before the policy hits its next phase in February.

From February, all new claims will be subject to the two-child policy, regardless of when children were born. That means that, although someone might have planned their family in good times, when they could well afford to support three children, the UK Tory Government do not care—they will support only two. Life is unpredictable: to support three children, the UK Tory Government do not care—they will support only two. Life is unpredictable: it only takes somebody to get ill or die, a partner to leave, or someone to lose their job for life to turn upside-down. We note the plight of the Michelin workers in Dundee, who were not expecting to lose their jobs. None of us would be prepared for such eventualities.

Contraception can also fail. I note research from the Advisory Group on Contraception, which has produced stark figures on cuts to sexual and reproductive health services in England, so help is being lost to many on the ground. I challenge any hon. Member present to plan out exactly and specifically the financial situation for them and each of their children up to the age of 18. It is impossible.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): My hon. Friend has been a tireless champion of tackling this issue. Does she agree that cutting child tax credits is tantamount to directly targeting children with austerity?
Alison Thewliss: I absolutely agree. It breaks the link between need and what somebody receives. These families are no less in need, but their money is being cut.

It is impossible for just about anyone, other than the super-rich and perhaps the royal family, to make plans in the way I described. The UK Tory Government are hacking away at the safety net that a social security system ought to be.

Mr Jim Cunningham (Coventry South) (Lab): I congratulate the hon. Lady on securing the debate. Women are carrying the brunt of austerity—let us be frank about that—whether we are talking about nursery provision, tax credits or the Women Against State Pension Inequality Campaign. The list is endless. Women have made a major contribution in terms of austerity, in the sense that they have carried the burden of the £14 billion of tax adjustments. It is the same with the WASPI women and the savings that have been made on their pensions.

Alison Thewliss: The hon. Gentleman is absolutely correct. The Women's Budget Group has found that 86% of welfare cuts have come out of women's pockets. The Government are taking a gendered and targeted approach, and they should be wary of that.

Angela Crawley (Lanark and Hamilton East) (SNP): The charity Refuge found that the two-child limit is forcing domestic abuse survivors and their children into poverty as a result of an increased financial dependence on their perpetrators. Does my hon. Friend agree that women are ultimately fearful to leave abusive relationships because they cannot support themselves, and that that is another example of where the policy has gone wrong?

Alison Thewliss: My hon. Friend makes a good point, and I will talk about some of Refuge's evidence later, because it is stark and the Government should take heed of it.

A social security safety net ought to be there for everybody—each one of us—when they need it, but by April 2018, the two-child limit had already affected 73,530 households. Well over half of those households—43,420 of them—were in work, so I will not have it if the Minister, or anybody else on the Tory Benches, suggest that those children certainly have no control over.

Of those 73,530 households, 2,900 were able to keep their entitlement for a third child by claiming an exemption to the policy. There are largely three exemptions to the two-child limit. None of them is entirely logical, and I would recommend that hon. Members check out the Child Poverty Action Group's page on the exemptions to see how mind-bendingly arcane they are.

The first exemption is the rape clause. I put on record again my absolute disgust at a policy that forces women to fill out a form to say that they have conceived their third child as a result of rape. It is absolutely inexcusable as a policy. For someone to have to put their child's name on a form and say that they were conceived as a result of rape is beyond contempt, and the Government should know better than to treat women in that way. We know from the figures that, up until April, 190 women across the UK claimed under that exemption. That is 190 women who have had to replay the most traumatic experience of their life to put food on the table. The Government should hang their head in shame.

The second exemption is for twins, but it is not as simple as it ought to be. It applies if twins are born after a single birth, but not before. If someone has twins after two previous children, only one twin is eligible for payment, but both those twins need to eat. There may be two almost identical families with three children—one that had twins and then a single birth, and one that had a single birth and then twins—but only one is worthy of support from the Government, which is completely illogical.

The third exemption is for adoption, but not if someone has adopted from abroad or if they were a step-parent before they adopted the third child, so that is not simple either. An additional exemption has been made for kinship care. I pay tribute to the hon. Member for Great Grimsby (Melanie Onn), who successfully campaigned for that on behalf of her constituent Alyssa Vessey, who lost an entitlement for her own child after taking on caring responsibilities for her three younger siblings. The clear result of the policy and the exemptions is discrimination. Families may have similar circumstances and needs, but some will lose out simply due to the order in which their children were born—something that those children certainly have no control over.

I understand that CPAG will be back in court on the issue before Christmas, and I wish it the very best with its case. It believes, and I agree, that the two-child limit breaches articles 8 and 12 of the Human Rights Act 1998. It is also beyond me how the limit could possibly be compliant with the UK Government's obligations under the UN convention on the rights of the child.

There will also be an impact on blended families and families who may be encouraged to separate to avoid being hit by the limit. A friend also pointed out that women who have children from previous relationships will be caught should they wish to have a child with a new partner, which is very common, whereas the male partner may be able to go off and start a new family more easily without having the children with him.

Dr Rupa Huq (Ealing Central and Acton) (Lab): Is it not depressing that we have debated this issue two Tuesdays in a row? I thank the hon. Lady for coming to the all-party parliamentary group on single parent families. She talked about blended families, which will be hit hardest. The Government abolished the cross-departmental work on child poverty; they are trying to abolish these things, but they have really mismatched priorities. The churches have been very vocal about it, and the Bishop of Oxford spoke last week. Does she have any comment about that?

Alison Thewliss: I absolutely agree, and I commend the hon. Lady and her colleagues for their work in the all-party parliamentary group on single parent families, because those families will be hugely hit by this. It provides huge disincentives for those families to go into work or to progress. It simply puts them further into poverty and makes it harder for them to get out of that poverty.
Kate Green (Stretford and Urmston) (Lab): I congratulate the hon. Lady on securing the debate. Does she agree that this obscene policy is fuelled by the Government’s abolition of the child poverty target, which would have compelled them to look at such policies and realise that they could not possibly be compatible with such a target?

Alison Thewliss: Absolutely. I will return to the issue of the policy’s objectives and how unmeetable they are, given the child poverty that will result from the policy.

It is absolutely clear that nothing in the policy fits with the Government’s objective of giving people a more stable family life. In fact, it plunges families further into uncertainty and crisis, and puts them under tremendous strain.

It is also clear that it will be children who lose out as a result of this policy. It is estimated that this policy will affect—in time, when transitional protections run out—around 3 million children. The Church of England estimates that in my constituency alone 1,600 families and 5,500 children will be affected, which amounts to 36% of the children there. I cannot begin to say what impact this policy will have on the health, education and life chances of those young people.

Carol Monaghan (Glasgow North West) (SNP): Once again, my hon. Friend is making a passionate speech on this issue. Does she share my concerns that there is another issue here, namely that families expecting a third child might be forced to have an abortion as a result of this policy? Often, those are people in faith communities, who are likely to have larger families.

Alison Thewliss: My hon. Friend is absolutely right, and there is clear evidence on this issue, which I will touch on later in my speech. The ends that this Government are forcing families into, and the decisions that those families are being forced to make, are really disturbing.

The cut in this benefit is £2,780 per child, per year, which is a sum that families will struggle to make up when transitional protections run out. The Church of England calculates that a single parent with three children who is working 16 hours at the minimum wage—I should say the Chancellor’s pretend “living wage”, because it is not an actual living wage that one could live on—would need to work 45 hours to compensate for the loss of income and for this Government’s cut. That is assuming that work is available to them in their community and that their children can be looked after by somebody when they are not home. If not, who will do the homework with those children? Who will tuck them into bed at night? Who will make sure that the family is looked after? And what is the mental health impact on that family and the impact on the physical health of the parent, who will be absolutely exhausted after working 45 hours a week and looking after three children, which is a job in itself? The impact on family life must be taken into consideration by the Minister.

There are also real disincentives within this policy, because it will be much harder for families to move into work. The policy will take away the incentive to try to get around the benefit cap, as families will end up losing more if they try to work more.

There is also a disproportionate hit on particular minority groups. The Equality and Human Rights Commission has found that families of Bangladeshi and Pakistani origin are particularly badly hit by this policy, losing thousands of pounds. For years now, I have been flagging up concerns that 60% of Muslim families and 52% of Jewish families have more than two children. There are also concerns, as my hon. Friend the Member for Glasgow North West (Carol Monaghan) mentioned, among religious faiths that will not use contraception for moral reasons and clearly cannot access abortion services. Therefore, they have very little choice in the decisions that face them.

Of course, this is a particular issue for women in Northern Ireland, where family size is traditionally larger than in the rest of the UK and where, as we in this House well know, women cannot access abortion services on the same basis as we can here. I wonder what the Minister expects women to do in such circumstances.

I want to mention a further point about abortion, because it is becoming the reality for many women. I would like to read directly from the testimonies of women who have spoken to the benefits helpline, Turn2us, because they are absolutely stark and I want the Minister to pay particular attention to them. One woman said she had “to have an abortion as” she “can’t afford” another child. Another said: “It makes me want to give up my child for adoption.”

Another woman said she was: “already due another baby when the new tax credit cap came into play. Now I worry I can’t afford to budget for a baby as I won’t get any extra help.”

Another said: “I found out I was 5 months pregnant and now in a complete panic. I’m too far on for an abortion but I have no way of not plan or expect to have any more children. The marina coil is meant to be more effective than being sterilised.”

One woman said she was “worried that I will not be able to afford the child. I am pregnant at the moment but I am worried it may be twins.”

Another woman said: “I was already pregnant so I could not reconsider.”

Another said: “I didn’t plan this child but it’s beaten all the odds to get here and I believe in things happening for a reason and also do not believe in abortion, so here we are expecting our 3rd child any day and no help financially. I have worked since I was 15 years old and I can’t get help when I need it.”

Another woman said: “This was a surprise and an unplanned pregnancy and I only found out at 20 weeks that I was pregnant due to an NHS mistake and I don’t have the money to raise a child. But due to religious reasons I cannot terminate the pregnancy, especially this far along.”

How can the Minister possibly justify that? Could he look each woman in these circumstances in the eye and tell them that this policy is about fairness?

Furthermore, Refuge has outlined the risk of this policy to women who are at risk of domestic violence, because the two-child limit exacerbates the control that perpetrators of abuse have over a woman and puts more pressure and risk on the woman. [Interruption.] I would like to share that experience, too, with the Minister, if he wants to stop shuffling his papers and pay attention. Refuge has said:
Women have felt more trapped and unable to stay as there was no available money to help them move and leave. The 2 child cap means that some women will be pressured into having more children and becoming financially reliant on the partners for support.”

One resident said that

“whilst pregnant with a 3rd child her ex demanded she have an abortion because he said they could not get any more money for it and when she said she didn’t want one

“he tried being violent to enforce a miscarriage.”

Refuge also said:

“Women struggling to manage after fleeing if they have three children feel like they have no support and no money to support the family. It means they feel like they should stay or return to the perpetrator.”

I remind Members that the rape clause form itself states that women are not eligible for support if they are living with the father of the child, which forces women to leave their home before they can do so safely, and we all know that the evidence suggests that that is the most dangerous time—the time that women are most likely to be murdered—if they leave without any kind of safety planning.

Before I finish, I want to tackle the suggestion that the Scottish Government should set about mitigating the two-child limit. First of all, we do not have full control over the welfare benefits system. Why not? Because Labour, Labour, Labour, Corrigan them, would not trust us to have it. We therefore end up being lumbered with a system that Scotland did not design, with policies that Scotland did not vote for, and with the ability only to tinker round the edges, thanks to the work of the Labour party.

For those on child tax credits, which is still the majority of people within the system, we have no way of mitigating these things, because that is a function of Her Majesty’s Revenue and Customs. For universal credit, at the moment we have “administrative flexibilities”. The Scottish Government have changed payment schedules and allowed for direct payment to landlords and separate payments to tackle financial abuse. However, the use of those flexibilities incurs a payment to the Department for Work and Pensions for the administration of them—money I am sure all of us agree could be spent directly on the frontline.

I want to make it absolutely clear that I want this policy to go everywhere and not just throughout Scotland. I have campaigned on a cross-party basis to that end, particularly for women in Northern Ireland, who have often been unrepresented in this place and who have to fill out a separate rape clause form, because they were at risk of prosecution just for filling out the original form. That is why I want to make sure that no woman in the UK gets left behind by this policy. We should be campaigning against this Tory Government and focusing all our fire on the Conservative party, which wants to make women go through this trauma.

However, let us not forget that the Labour party’s official position back in 2015 was to support the two-child limit. Perhaps if Labour had voted with us back then on the Welfare Reform and Work Act 2016, we would not be here—three years, four months and 20 days later—discussing this issue today.

Alison Thewliss: I am coming to the end of my remarks; I am sure that Members will get in later with what they want to say.

All of this policy is illogical and bad for the economy. In other parts of my casework, I see working people being denied leave to remain with their families. I see EU nationals being scunnered and moving away from the country that they had called home, due to this UK Tory Government’s Brexit shambles. On DWP policy, I see people being discouraged—actively discouraged—from having children. Who will participate in the labour market in the future? Having children is an economic good. Who will look after the Minister and his family when he is old and in need of care? The UK Government should wise up to the demographic time bomb they are creating with this policy and so many other policies that make no sense. The “Unhappy Birthday!” report produced by End Child Poverty, the Child Poverty Action Group and the Church of England states:

“If you set out to design a policy that was targeted to increase child poverty, then you could not do much better than the two-child limit.”

I would like to know what assessment the Minister has made, other than the numbers released in April, of the impact of the two-child cap on all the areas I have mentioned in my speech—not just one or two of them, but all of them—because there are still too many flaws in the two-child cap, as I have laid out, and as I am sure other Members will wish to. I want to know how he can roll this policy out without that assessment having been done. The assessment has been left to the third sector, the Church—as the hon. Member for Stretford and Urmston (Kate Green) pointed out—and to so many other organisations. The Government have not taken on this work; they have left it to others to do, which is absolutely unacceptable. They need to know what the impact of their policies will be on the ordinary people we represent.

I also want the Minister to explain why he is pressing ahead with extending this policy to all families come February next year, because, on the basis of this policy, people could not reasonably have planned the children that they have had. It is completely unreasonable to expect somebody in good times to think, “Perhaps six or seven years after I have had my child, I might—might—be made unemployed and I might need to claim universal credit.” That would not be in their head; that is not how people make decisions about their families. It is an absolutely flawed notion that people can do that. I want the Minister to pause and reflect, and to tell us that he can pause the policy, stop it rolling out further and end it for good.

Mr Gary Streeter (in the Chair): Order. Seven colleagues at least have notified me of their intention to speak, and one or two more are rising. The winding-up speeches begin at 3.30 pm, so please use a voluntary time limit of four or five minutes each, if you would not mind.

2.50 pm

Rushanara Ali (Bethnal Green and Bow) (Lab): It is always a pleasure to serve under your chairmanship, Mr Streeter. I congratulate the hon. Member for Glasgow
Central (Alison Thewliss) on her tireless campaign on this very important subject and on securing today's debate.

The issue sits in the context of the wider debate about universal credit, which will affect 1 million homeowners, slightly fewer than 750,000 households on disability benefits and 600,000 single parents. On universal credit, two in five households will lose about £52 a week in payments, and across many constituencies entire families will be severely affected—if they are not already. In areas where universal credit has already been rolled out, food bank use has increased by 52%. As the hon. Lady said, as part of the 2015 package, from April 2017 low-income families with a third or subsequent child lost their entitlement to additional support through child tax credits.

Kate Green: Does my hon. Friend agree that contrary to what the hon. Member for Glasgow Central (Alison Thewliss) suggested, Labour did not support the two-child limit? We abstained on the Second Reading of the Welfare Reform and Work Bill but voted against Third Reading. Does she agree that we should place that on the record?

Rushanara Ali: I concur. It is really important that the Scottish National party, the Labour party and other parties that oppose the policy continue to work together, so that we can protect families. More families will be affected from February next year, as universal credit is rolled out, and the retrospective element, which the hon. Member for Glasgow Central mentioned, will be devastating. No family could have prepared for a policy that was to be applied retrospectively; nor is it right that children should be retrospectively punished in that way. This, in short, is a punishment of children, and it is totally inhumane. No Government should be standing up for such a policy. Given that the Minister has recently taken on his role and the policy was not his idea, I urge him to reflect carefully on what is being said and on the representation being made to him, to ensure that the policy is reviewed and reformed.

If the Government are concerned about family size and think that families should not be as large as they are, just as with teenage pregnancy, public education exercises can be more successful than punitive measures that punish children. In developing countries, there is a case for encouraging smaller families because families cannot provide, family sizes have been brought down through education and women's empowerment, but that is a different debate from what is happening here.

Philip Alston the UN's special rapporteur on extreme poverty and human rights recently said of the two-child limit that it is "in the same ballpark" as China's one-child policy, because it punishes people with more than two children. Reports also state:

"The UK government has inflicted 'great misery' on its people with 'punitive, mean-spirited, and often callous' austerity policies driven by a political desire to undertake social re-engineering rather than economic necessity, the United Nations poverty envoy has found."

It cannot be right that in one of the wealthiest economies of the world, our children face hunger and punishment.

Mr Gregory Campbell (East Londonderry) (DUP): In encouraging the Minister to reconsider, does the hon. Lady agree that it is important that he understand that most people—most of those I meet, anyway—are in favour of reform, because of the complexity of what preceded universal credit, and are in favour of encouraging people into work, but are most definitely not in favour of stigmatising or of ensuring that the very vulnerable in society are punished as a result of the first two?

Rushanara Ali: I agree. I do not think that policies that punish vulnerable people are ultimately likely to succeed, which is why the Minister needs to rethink both this aspect of the universal credit policy and the policy more generally. In their attempt to simplify, the Government have found ways to cut funding. People will be worse off under universal credit.

Since implementation, the policy has already affected 400,000 children, and some 3 million children are likely to be affected. That is why I echo the points the hon. Member for Glasgow Central made, calling on the Minister to review the policy and put a stop to it, certainly until the extension of the policy next February, which will be devastating for families.

In my constituency, a large number of children and families will be affected by the policy. We have a large Muslim population and, as has been mentioned, people of other faiths are also affected. I call on the Minister to take into account the unequal impact the policy will have and the fact that the equality impact assessment is flawed.

Dr Huq rose—

Rushanara Ali: I will have to conclude, to give others the opportunity to speak. The equality impact assessment does not recognise the negative consequences for certain groups. More than 100 MPs wrote a letter to the Prime Minister, copying in the then Work and Pensions Secretary and the Chancellor, and we have still not had a response, which is really unfortunate. I encourage the Minister to go back to his Secretary of State and ensure that she responds to it and seriously rethink the policy so that children in our country are protected.

Several hon. Members rose—

Mr Gary Streeter (in the Chair): Five minutes each. Thank you.

2.56 pm

David Linden (Glasgow East) (SNP): It is a pleasure to serve under your chairmanship, Mr Streeter, and to follow the hon. Member for Bethnal Green and Bow (Rushanara Ali). She made a very reasonable speech, but I do want to correct the record. Even as she was speaking, I found an article from 2015 on the BBC News website entitled, "Harriet Harman: Labour to back child tax credit curbs". I am happy to place a copy of it in the Library, so that the House can correct the record.

I congratulate my hon. Friend the Member for Glasgow Central (Alison Thewliss) on securing this important debate. Before my election to the House, I had the privilege of working for her for two years, and it was then that I saw at first hand how tenacious she was in pursuing the issue, when no one else had seen it and it was buried at the back of the Red Book. It is fitting that, three years on, she is still prosecuting the British Government for one of the most outrageous policies ever to emanate from Westminster.
Before I speak specifically about universal credit, I want to say a few words about the very concept of the two-child policy. Even three years on and having developed a degree of knowledge in the subject, I still cannot fathom how the policy got through Cabinet, let alone on to the statute books. In the past, the Conservative party could, probably quite justifiably, lay claim to the mantle of being the party of family values, but the two-child policy is so anti-family that I hardly know where to start.

I will start with the Conservatives' outrageous claim that people should have only the number of children they can afford, as if that is a calculation people make when planning a family. If we followed that logic, we would be left in a position in which the only people who had more than two children would be the likes of the hon. Member for North East Somerset (Mr Rees-Mogg). What kind of society would we be looking at then?

The two-child policy is deeply offensive to those of us for a faith community. No matter whether it is Presbyterians or Roman Catholics, who forbid contraception, or Orthodox Jews, who for religious or cultural reasons favour larger families, the policy completely disrespects them and their views. I also argue that the two-child policy is short-sighted from an economic point of view. At a time when we have an ageing population, it is important that we also have a growing population that contributes to the tax base and helps to fund public services.

The reality is that the two-child cap is an ideological policy pursued simply to drive a wedge through society and cause a distraction from the real issues. It perpetuates the myth that there are millions of families out there breeding for benefits, when the evidence just does not back that up. The two-child cap breaks the fundamental link between need and the provision of minimum support, and it implies that some children, by virtue of their birth order, are less deserving of support. It is a large direct cut to the living standards of the poorest families of up to £2,780 per child, per year. At a time when people are struggling financially, that is a huge blow for household incomes and shows that the Government are not committed to the very concept of a social security system.

Whether it is the pernicious two-child policy, the medieval rape clause, or the wider shambles of universal credit, which is due to be unleashed next month in Glasgow, families across Scotland are rapidly concluding that social security being administered by the Westminster Government is akin to putting a lion in charge of an abattoir. I argue that a different path can be taken: one that says that social security exists for the good of all in society, and one that values every child, not just the first two. I think that people in Scotland are rapidly concluding that the only path to delivering that fairer society, with a comprehensive, fair social security system free of family caps, rape clauses and universal credit, is through an independent Scotland. Frankly, with policies such as the two-child cap and universal credit, the British Government are only hastening people more quickly along the path to independence.

3 pm

Ruth George (High Peak) (Lab): I have to declare an interest as the mother of four children, albeit spread out over a period of 17 years. I can personally testify that large families have close and deep relationships, and the benefits of having a larger number of siblings are many and varied. However, this Government are seeking to punish families who have had three or more children. With only three children, those families will be losing £2,500 a year from their child element, on top of the cuts to universal credit that mean that 3 million families are set to lose over £2,000 a year. Families with four or more children will lose an average of £7,000 a year. Those families are already on a low income: they have already experienced cuts to tax credits of £1,500 on average, and a further £2,000 under universal credit.

This is not just an issue of child poverty. This is an issue of families facing destitution, with rising numbers of families with three or more children going to food banks. Families do not go to food banks unless their children are hungry. Can the Minister look not just those families in the eye, but look those children in the eye, or the parents who are trying to get their children to sleep at night when they do not have enough food in their stomach? It is absolutely inhumane. The policy will have a similar impact on large families as the benefit cap has on families in households with no one at work. In the Select Committee on Work and Pensions, we have heard of children in families to whom the benefit cap applies being taken into care because, given their levels of income, their parents cannot give those children the basic, decent standard of living that they need to survive. Is that a danger for all large families? It seems to be a return to Victorian times, with families punished for having more children and for not being able to earn enough.

Child tax credit and the child element of universal credit, which stands at £2,780 a year, is paid because successive Governments have recognised that doing so goes some way towards meeting the costs of a child, and have signed up to the ambition of reducing child poverty and increasing children's life chances. The Joseph Rowntree Foundation produced a study that showed the impact of reducing incomes on children's outcomes. Having reviewed over 34 studies, it concluded that increases in income appear to have an impact on cognitive outcomes comparable to the impacts of spending on early childhood programmes or education. However, income influences many different outcomes at the same time, including maternal mental health and children's anxiety levels and behaviour. Few other policies are likely to affect such a range of outcomes at once. It is sad that the Government did not see fit to do an impact assessment on this policy, or to publish that assessment, before they went ahead.

Dr Huq: I pay tribute to my hon. Friend for the work of the all-party parliamentary group on universal credit, which she chairs. Is she aware of the figures that show that 60% of Muslim children and 52% of Jewish children live in families with three or more children? My hon. Friend is doing a great demolition job on this Government, who balance their books on the backs of the poor.

Ruth George: I thank my hon. Friend for her intervention. The policy will certainly have a disproportionate impact on some faith groups, but also on anyone who, for
whatever reason, has chosen to have three or more children—people like my constituent who posted on my Facebook page comments regarding this policy. She wrote that her husband died when she had three children and he was just 40. Why are the Government seeking to punish those children even more? They have already suffered the death of their father, and can now expect to see their income reduced as well. This policy simply does not make sense for the long-term economy of this country, which needs to invest in our children's future in order to grow its way out of the economic mess that the past eight years have left us in. This country also needs to look at the interests of those children, and the impact of poverty and destitution on the 3 million children who will be affected by this policy. Please do not roll this out next February.

3.5 pm

Mr Ivan Lewis (Bury South) (Ind): It is always a pleasure to serve under your chairmanship, Mr Streeter, and I thank the hon. Member for Glasgow Central (Alison Thewliss) for securing this timely debate. As others have said, hon. Members might find themselves experiencing a sense of déjà vu, having once again gathered in Westminster Hall to highlight a Government policy focused on hitting the poorest families the hardest. There are 870,000 families with more than three children currently claiming these benefits, with the bottom fifth of the income distribution expecting to lose the largest proportion of their income. We know the policy is set to save the Government £1.6 billion by 2020, which is no small amount. That compares with the £2.7 billion that the Government are spending on giving an income tax cut to the highest earners; they continue to make it clear that they are not governing in the interests of ordinary working people.

Alan Brown (Kilmarnock and Loudoun) (SNP): The hon. Gentleman might be interested to know that I have House of Commons Library extrapolations of the Budget impact of the 2017-18 tax giveaways. The figure for inheritance tax, capital gains tax and corporation tax is £80 billion over the period 2017 to 2025. Does that not show how wrong the Government’s priorities are?

Mr Lewis: I agree entirely with the hon. Gentleman. The Prime Minister often talks about supporting those who are striving and working hard, but unfortunately in reality, the consequences of Government policy are the precise opposite.

We know that the Government are targeting minority and religious groups with this policy. In my constituency, the Haredi community will be the hardest hit. There is a substantial differential impact on religious communities for whom family size is determined by beliefs and for whom culture is also a determining factor. That was omitted from the Government’s impact assessment, and the Minister might want to respond to that in his concluding remarks. Some 31% of all children live in households with three or more children. For families of the Jewish faith, the proportion is 52%; for families of the Muslim faith, it is 60%; and we know that many families of the Christian faith also have three or more children. We do not expect that those families will change their behaviour because of this policy, which significantly penalises them for their religious beliefs. What has it come to when a Conservative Government are attacking the concept of religious freedom in our society, which is precisely what this policy does? I know that sometimes people do not like talking about faith, but we should say that the concept of religious freedom is central to British values. This policy goes right to the heart of undermining that principle, but it was not even part of the Government’s impact assessment, which is absolutely shameful.

Families with more than two children face a cruel poverty trap, as others have said. They are unable to work their way out of poverty because, for every extra pound they earn, the Government will reduce their two-child allowance by 75p. Those changes severely undermine the financial security of larger families, who stand to lose up to £2,780 for each additional child beyond the first two. Many families will be unable to meet their children’s essential needs. An estimated 200,000 more children will be in poverty as a direct result of this policy. Children raised in poverty, as many hon. Members know, face many disadvantages: worse life expectancy, worse educational performance, and poorer health. Although the policy may make some short-term savings, in the long term it causes tremendous economic and social costs to our society.

One of the most shameful things about the Government’s record is the abandonment of any notion of a child poverty strategy. Right at the heart of any Government who sought to govern in the interests of all of the people of this country, a top priority, whatever one’s ideology, should be the fight against child poverty. The Government have abandoned strategy and a cross-Government approach. They no longer have targets, which means there are consequences. There is no focus whatever in Government to tackle child poverty as a policy priority. We then end up with policies such as those we are debating today, where no impact assessments have been done, adding to child poverty. What kind of society is the Government seeking to create? Most of those affected are working families who are in the just about managing group. Again, the Prime Minister talks about that all the time, but there is a gap between rhetoric and reality. Substantially cutting support sends an unhelpful message about the rewards of work.

In conclusion, the policy does a number of things. It hits the poorest the hardest. It increases child poverty, risks an increase in abortion, undermines religious freedom and causes vulnerable women to be even more vulnerable. The Minister must surely accept that now is the time to U-turn on such an appalling policy.

Several hon. Members rose—

Mr Gary Streeter (in the Chair): I call Jim Shannon. You have five minutes.

3.11 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate, Mr Streeter. I thank the hon. Member for Glasgow Central (Alison Thewliss) for securing this debate and for her perseverance in this matter. She has been an absolute stalwart and it is a pleasure to come and support her in these debates in Westminster Hall or wherever they might be.

As soon as I heard of this proposal, my immediate thoughts went to China and its child limitation policy. I can remember thinking, “How can we say that the state should help a mother to work and care for two children,
but not three children or four? Why should the state and we in this House make that decision?” My parliamentary aide is the youngest of five children and she takes great pride in saying her parents kept going until they reached perfection, and Naomi is undoubtedly perfect. I can never say anything other than that. She will listen to this debate and that will confirm it. Probably I will be in her good books on Friday morning when I see her once again. I say that tongue in cheek, of course, but the principle is that her parents wanted a large family. It was their decision. Mum worked a little and dad had a full-time job. Today mum would not be able to work at all. That is a fact. Is that what we seek to promote? I say to the Minister with great respect that we must review this.

In the short time that I have I want to speak specifically about one organisation that contacted me. I will provide some background on the organisation called Refuge and what its opinion is. I had not considered entirely the implication of the rule for families experiencing domestic abuse until I read a briefing by Refuge. It certainly opened my eyes to the harsh reality for families throughout the UK. I sincerely hope the Minister hears what I say about the facts of the case. I hope it will open Government eyes to the situation and how we must change it to address the issues in my constituency of Strangford and in every other constituency in the United Kingdom of Great Britain and Northern Ireland.

The briefing highlighted opinion based on experience in Refuge centres throughout the United Kingdom. There is vast experience in the service that supports more than 6,500 women and children on any given day. That is the magnitude of what Refuge does. The services that Refuge provides include a national network of 42 refuges, community outreach, independent advocacy, child support services, and the freephone 24-hour national domestic violence helpline run in partnership with Women’s Aid. It does tremendous work. Refuge highlighted the problem:

“Policies which limit what is typically women’s income will inevitably lead to difficulties for survivors of gender-based violence. The two child limit inhibits and deters survivors from fleeing their abusers, where some cannot even afford to travel to a refuge. Once women have decided to leave, the added financial barriers to rebuilding their lives lead some women to question their decision, and sometimes return to their abusers.”

That is unfortunate. We do not want that to happen and I know that the Minister would not want that to happen. Refuge further explained:

“The policy itself has also been used as an excuse to perpetrate abuse. Refuge has supported a survivor whose abuser attempted to induce a miscarriage with violence because they wouldn’t get money for another baby.”

We must not let that happen, nor would the Government agree to that. That example shook me to my core, and it should shake everyone in this House to their core. It is clear that consideration must be given to circumstances such as those, and the limit must be changed.

The Refuge research found that the two-child limit is forcing survivors and their children into poverty and increases financial dependence on perpetrators. The two-child limit and lack of adequate support also act as a deterrent for many women who do not want to leave, as they fear they will be unable to support themselves and their children. Women’s lack of economic resources when they decide to flee and the added financial barriers to rebuilding their lives leads some women to question their decision to leave, which for some leads to their return to abusers.

In conclusion, the experience of Refuge, Women’s Aid and other charitable institutions must be recognised and must drive a review of the policy. I wholeheartedly ask the Minister to consider that. Life is tough for families and tougher still for those in abusive situations. We need to do what we can to help, and imposing a two-child limit on help to enable women and families to be financially secure is not helping. If we listen to the charitable institutions, that policy actually does harm. We must make a change, and I look forward to hearing the Minister’s response.

3.16 pm

Danielle Rowley (Midlothian) (Lab): It is a pleasure to serve under your chairmanship, Mr Streeter. I thank the hon. Member for Glasgow Central (Alison Thewliss) for securing this very important debate and for highlighting the appalling impact of the policy. Her speech was very emotional. She covered the exemptions very well, so I will not touch on those because time is tight, but I want to voice my disgust at the rape clause and echo what she said in her speech about how unfair and unjust the other exemptions are. We agree that the Tory cuts are abhorrent and must be scrapped immediately.

In 2018-19, families with three children will lose up to £2,780 each year per child who does not qualify. I am not sure what impact that would have on some Cabinet members, but for families in my constituency in Midlothian it will have a massive and detrimental impact on their lives. An Institute for Fiscal Studies study from last year estimated that relative child poverty would increase over the next four years by 7%. It highlighted the two-child limit as a major factor in that rise. The Government’s own impact assessment in 2015—there have not been any more recent impact assessments—in the section entitled “Impact on protected groups”, acknowledges that the policy will probably have a disproportionate impact on women, ethnic minorities and people with other protected characteristics, yet there are no measures set out by the Government to mitigate that impact.

We have heard about the retroactive element of the policy. Households with three or more children who make a new claim will be required, as of February 2019, to claim universal credit, so they will be impacted by that and affected by the two-child limit, even if their child was born before April 2017. The hon. Member for Glasgow Central highlighted a letter from a constituent and the absurdity of the impact. Last month, I asked the Secretary of State for Work and Pensions how the retrospective implementation of the policy would “encourage families to reflect carefully on their readiness to support an additional child”, which is one of the stated aims of the policy, but I was given no coherent answer. Will the Minister answer that for me today? Scottish Labour would scrap the two-child cap in the upcoming Scottish Budget. That is what is we will call for.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): Does my hon. Friend agree that the hon. Member for Glasgow Central (Alison Thewliss) is absolutely right
to get stuck into the Government over this abhorrent policy? As in the case of the bedroom tax, if there is anything at all that the Scottish Government can do to help, we simply cannot and must not look our constituents in the eye and say, “We can act, but we are not going to because we should not have to.”

Danielle Rowley: I agree with my hon. Friend.

Carol Monaghan: Will the hon. Lady give way?

Danielle Rowley: I only have two minutes left, so I must press on.

The SNP have argued against covering for Tory welfare reform, and I agree that it should not exist in the first place: but such political posturing helps no one. The powers of the Scottish Parliament should be used to stop families struggling.

Angela Crawley: On that point, will the hon. Lady give way?

Danielle Rowley: I am sorry, but I must press on. I am quite confused about SNP policy, because the hon. Member for Glasgow Central said she cares about families and children across the UK and wants the policy to be stopped across the UK; but the hon. Member for Glasgow East (David Linden) said that the only way to end the situation was independence for Scotland. I should like to know whether they care about people across the UK, or only about people in Scotland.

Angela Crawley: Will the hon. Lady give way?

Danielle Rowley: I will not. I want to ask the Minister how he thinks the retroactive application of the policy will affect families who already have more than two children. How will it achieve the policy’s stated aim of making the system fairer and changing people’s financial choices about having children? In addition, there is no evidence that that would happen. What steps are being taken to ensure that women, ethnic minorities and other protected groups are not affected disproportionately by the cap? Have the Government made any assessment of the mental health and wellbeing impact of the policy?

The policy pushes more children into poverty. It targets women with no real assessment, and it is a good example of the Government engineering society to punish the less privileged for having children.

Several hon. Members rose—

Mr Gary Streeter (in the Chair): Order. There are eight minutes to go and two Members left to speak. I call Paul Sweeney; there are four minutes each.

3.21 pm

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): I congratulate the hon. Member for Glasgow Central (Alison Thewliss) on obtaining the debate and on her tenacious campaigning on the issue over several years.

The policy is totemic, highlighting the callousness of conservatism at its core. By contrast, the previous Labour Government reduced child poverty from 3 million in 1998 to 1.6 million in 2010. That was a remarkable achievement, unprecedented in modern history—an amazing societal achievement for our country. It was not done by accident. If support for households had increased only with inflation, child poverty would have been 4.3 million by 2010. The reduction happened because of huge, sustained above-inflation increases in targeted support for families and children. That is how we were able massively to reduce child poverty in this country and it is why I am proud to be a Labour party Member of Parliament. It will always be the party that defends the most vulnerable in society. We can look towards the contrast between what was achieved under Labour, and the disgusting policy of the Tory Government with the introduction of universal credit, which the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) praised, saying it would allow the poorest families to make the same financial decisions as other families who are not reliant on welfare. That is clearly absurd, when we consider that approaching half the workers in this country earn less than £13,000 a year.

Neil Gray (Airdrie and Shotts) (SNP): The hon. Gentleman is right to point to the record of the Labour Government; they have a strong record on the issue. However, does he regret the comments of his colleague, the right hon. and learned Member for Camberwell and Peckham (Ms Harman), when she was acting leader of the Labour party during the passage of the Welfare Reform and Work Act 2016, that she could not oppose the Government’s plan to reduce the benefit cap and would back the two-child limit?

Mr Sweeney: Let me make one point clear: the evidence is that we voted against the Third Reading of that Bill, when it mattered. The rhetoric at the time is irrelevant. Also, the Labour party is of course now under very new management, with a radical approach to abolishing the policy. The point is irrelevant.

A Government who react to children’s pain in the way that is the subject of the debate—by callously making a comparison with a market decision such as buying a car or a house—are not fit to govern. That is what we face when the Conservative Government take that attitude towards children’s pain. The children do not make those decisions. We have a duty to establish a welfare state that goes back to its founding principles of drawing a line below which no one will fall, and above which everyone can rise. That is the fundamental principle of the universal system of welfare in this country. While I want a UK Labour Government who fulfil their pledge to end the rape clause across the whole UK, we should use powers wherever they can be found to mitigate the policy and reduce harms in society where possible.

Angela Crawley: Will the hon. Gentleman give way?

Mr Sweeney: I am sorry, but I have already given way and have only five minutes for my speech.

We have the opportunity to make an impact in the Scottish Parliament, where there are powers to mitigate what is being done. It is four years since the Smith Commission, and the SNP has delivered only a single payment to carers. Families suffering under the Tory cap on welfare need help right now. Indeed, that is not beyond the realm of possibility; to eliminate it in Scotland would cost £4,000 per child, which is less than 10% of the budget underspend of the Scottish Government. It
is very much in their gift and they can achieve it, with the £10 billion extra they achieve from the Barnett formula. We must take action on all fronts to oppose the callousness of the Conservative party. Let us not pretend we cannot take robust action at all levels of Government to deal with the matter and minimise the harms faced by children.

3.25 pm

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It is a pleasure to serve under your chairmanship, Mr Streeter. I congratulate the hon. Member for Glasgow Central (Alison Thewliss) on an interesting speech that combined elegance and passion.

I am a father of three: they enrich my life, and my wife's life. A point was made in the debate about twins, which struck home with me, because I am the father of twins. I can see what a big difference the order of their birth could make. I have a certain reputation in this place for talking about universal credit, and I have so far concentrated on the rural issue of lack of IT access and perhaps of people trained to use it. I make no apology for always stressing the issue of remoteness, given the constituency that I represent.

Hannah Bardell (Livingston) (SNP): Does the hon. Gentleman agree that, given that in rural areas across the UK employment can be a challenge, and that 30% of benefit claimants are in work, the policy will disproportionately affect families in rural areas, where depopulation is a huge challenge?

Jamie Stone: That is an entirely fair intervention, and I accept it for what it is.

Let me give the example of a family, perhaps living in a remote strath in Caithness, Sutherland or Easter Ross, and consider the problems they would have. The cash, as we know, is limited after the birth of two children. The mum would almost certainly face increased costs for transport—to school or to use the NHS—and for food, because sadly prices get higher the further a place is from Edinburgh and Glasgow. There would be higher costs for heating and delivery. I want to raise with the Minister this afternoon the fact that we pay an extra charge for having some basic things delivered to our homes in the remotest areas. There would be higher costs for the children's clothes or—for me to put it this way—for getting to the charity shop, which is the challenge for many families. Even harsher still is the cost of getting to the food bank—not that I approve in any way of the fact that we have to have food banks in this day and age. It is a concept that was unheard of in my parents' time in Scotland.

In fairness to the Scottish Government, I am aware of the good work that has been done on the bedroom tax, and I know there is a limit in absolute terms to what the Scottish Government can do. Having been a Member of the Scottish Parliament for some years I recognise that, and it is best to be absolutely straight about it.

I had a happy childhood, and am extremely fortunate to have done so. It was free from anxiety. There is no doubt that anxiety can scar today's children for the rest of their lives. To quote the hon. Member for Glasgow Central—I hope I do so correctly—the social security safety net should be for everyone. That includes people in my constituency in the remotest parts of the UK, as well as those who live in more central areas. I hope and trust that the Minister will take my points on board. I mean them sincerely, for the sake of the people I represent.

Mr Gary Streeter (in the Chair): We now move to the speeches of the three Front-Bench spokesmen—one speaking from the Back Benches, I see, which is fine. We will leave a minute and a half for Alison to have the final word. I call Andy Gray—I mean Neil Gray. I beg your pardon.

3.28 pm

Neil Gray (Airdrie and Shotts) (SNP): I wish I had Andy Gray's left foot, Mr Streeter. It is a pleasure to serve under your chairmanship, and to receive that footballing accolade. That was some light relief after a stark debate.

I welcome, congratulate and thank my hon. Friend the Member for Glasgow Central (Alison Thewliss), who secured the debate. She has been tenacious, dogged and diligent in her campaigning, and it has been a pleasure to be on the Benches with her as she has gone about that in the past three years, and to provide what support I have been able to give for her work. It has merited awards at all levels, although I know that is not why she does it. She does that work to make the lives of her constituents and of the people up and down these islands better. She recognises injustice when she sees it, and she seeks to tackle it. I commend her campaigning efforts, which continue today.

My hon. Friend's speech, as ever, was detailed. She highlighted the fact that next year this abominable scheme is set to get even worse, as children will be targeted regardless of when they were born. She is right to challenge people—Ministers in particular—to state the circumstances in which those children will be living for the duration of their childhood and the ways parents should budget for them. I would love to see an 18-year family budget in front of me. She was also right to say that 73,500 households have already been affected, a large proportion of which already include people in work. The apparent principle behind this policy, which is to get more parents into work, is self-defeating as it is already happening. I suspect there is an ulterior motive that the Government do not wish to discuss.

My hon. Friend was right to mention the rape clause exemption, because that despicable, disgusting example of UK Government policy has meant that 190 women have had to note the names of children who were born as a result of rape. That we allow that to continue is a stain on us as a society. I find it extraordinary that the Minister can sit and listen to the stories that my hon. Friend read out and the examples from Turn2Us of people in desperate need of help, and then shrug his shoulders as if this is not an issue and nothing needs to be done. I suggest that he comes to one of our constituencies to hear how this policy is impacting on our constituents. Perhaps he could do a shift at Turn2Us and listen to people in desperate need of help as a result of policies that he continues to support. My hon. Friend was right to say that the children impacted by this policy have no say over events that control their lives. They have been targeted by austerity, which is shameful.
The hon. Member for Stretford and Urmston (Kate Green) was right to point out how incompatible this policy would have been if the Government had targets to reduce child poverty. No wonder that the new Secretary of State and Ministers were so desperate to attack Philip Alston personally for the initial findings in his report. I think they protest too much, because they know all too well the problems with child poverty that they are causing.

Again, I commend my hon. Friend the Member for Glasgow Central, and thank her for securing this debate. It has been a good, positive and largely consensual debate, not least because no Conservative Member chose to speak. From the Labour Benches, the hon. Member for Bethnal Green and Bow (Rushanara Ali) was absolutely right and made an interesting speech, and I welcome her support for my hon. Friend’s campaign. The hon. Member for High Peak (Ruth George) made another helpful speech, and I commend her work as chair of the all-party group on universal credit. She gave good, if horrible, examples of the traumatic devastation caused by this policy. The hon. Member for Bury South (Mr Lewis) was right to point out the poor choices made by this Government. We made those points clear during a debate on the Budget, and that was reinforced by the intervention of my hon. Friend. The Member for Kilmarnock and Loudoun (Alan Brown), who highlighted that between 2017 and 2025, £80 billion will have been spent by the Government on tax giveaways. That should give us all pause for thought.

The hon. Member for Midlothian (Danielle Rowley) was right to say that the policy will have a disproportionate impact on women and people from ethnic minority groups, and the hon. Member for Glasgow North East (Mr Sweeney) was right to point to Labour’s record in government, which I acknowledged, although Labour policy has perhaps been rather sketchy from then until now. My hon. Friend the Member for Kilmarnock and Loudoun highlighted that between 2017 and 2025, £80 billion will have been spent by the Government on tax giveaways. That should give us all pause for thought.

This would not be a Westminster Hall debate if I did not sum up a good speech by the hon. Member for Strangford (Jim Shannon). The question why we should make these choices for families was at the heart of his remarks, which is absolutely right. This policy is not about people making choices about being in or out of work, as my hon. Friend the Member for Glasgow Central so eloquently put it; this is about limiting the choices of people on low incomes and their families, and about how many children they can have and what they do in their circumstances. The hon. Gentleman was also right to highlight evidence from Women’s Aid and Refuge. The list of organisations that the Government are ignoring and being tin-eared about could go on.

In conclusion, let me mention the work that the Scottish Government have done since 2010 to mitigate the UK Government’s disastrous austerity policies. Work on the bedroom tax involving more than £100 million a year has been mentioned, but something that is often forgotten about, and one reason why Scotland performs much better than the UK, on child poverty levels, is the council tax reduction scheme. That scheme has cost the Scottish Government £1.4 billion in recent years—a substantial investment to ensure that people on low incomes do not suffer the burden of council tax in the same way as other people across the UK, whose council tax reduction scheme has been scrapped by the Government. In Scotland we have also utilised some of the flexibilities available to us for universal credit, which costs another £1 million a year.

Ged Killen: Will the hon. Gentleman give way?

Neil Gray: I am just about to conclude my speech and I am conscious of time.

The Scottish Parliament and the Scottish Government will continue to do all they can to ensure that we do the best possible, and the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) was right in his bipartisan and measured speech. He said that the Scottish Parliament cannot be a Tory Mitigation Chamber; it has to be more than that. There must be a limit to saying that the Scottish Government must always paper over cracks that have emerged from Tory policies. We must go after the problem at source. Therefore, rather than having a party political fight with the Labour party—I am not interested in that—I want us to continue with what, for the majority of this debate, was a cross-party attack on the Government’s policies. If Scottish Labour Members continue with that focus, instead of attacking a Scottish Government who are already mitigating the effect and doing what they can to reduce child poverty in Scotland, we will have a fair debate. We must end this two-child cap and the benefit freeze, and ensure that the Government do what they can in terms of work allowances and universal credit. Until that time we will not stop campaigning against this Government, and I hope Labour Members will join us in that.

3.38 pm

Mike Amesbury (Weaver Vale) (Lab): It is a pleasure to serve under your chairmanship, Mr Streeter, and I thank the hon. Member for Glasgow Central (Alison Thewliss) for securing such an important debate. She shares my view, and that of many colleagues, that the two-child limit is unfair and adversely affects tens of thousands of families. That policy stands out, tragically, as a clear example—perhaps the clearest example—of a Tory welfare system that is failing and unsupportive of those most in need. That view is shared not just by those of us in this debate; it is shared by charities and many advocacy groups, and much of civil society.

Earlier this year, 60 Christian, Muslim and Jewish religious leaders strongly condemned the policy, arguing that it sent a message that some children matter less than others. Disappointingly, however, some do not share that view. The former Work and Pensions Secretary, the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith), described it as a “brilliant idea”, and believed that it would force claimants to make the same life choices as families who are not on benefits, and incentivise them to seek work or increase their hours. We have heard from this debate that it is certainly not a brilliant idea. The claims about life
choices and incentives show nothing but disdain for the people and families who our welfare state should be supporting and show no understanding of the precarious reality of the world of work for many at the sharp end.

While the two-child limit was possibly the most pernicious element of the approach, we should not forget that it was part of a package of welfare reforms to tax credits and universal credit announced in the 2015 Budget. The Child Poverty Action Group has estimated, as my hon. Friend the Member for Bury South (Mr Lewis) pointed out, that the two-child limit alone will lead to 200,000 more children growing up in poverty by 2020. It is also a policy that causes one sibling to lose out at the expense of another, with one child being of more value than another. Surely that is not fair or right.

Alison McGovern (Wirral South) (Lab): Does my hon. Friend agree that there is a simple unfairness at the heart of the policy? We should no more support it than support one child in a family getting access to education and another not, or one getting access to health services and another not.

Mike Amesbury: I agree entirely with my hon. Friend and neighbour. Children are children.

From April 2017, low-income families lost entitlement to additional support through child tax credits or the child element of universal credit for a third or subsequent child born after that date. If the family was already claiming support for three or more children before that date, in principle they continue to receive support. However, to demonstrate the absurdity of the policy, if a third or subsequent child born after April 2017 is disabled, the family will receive child tax credits or the child element of universal credit for that child, but one of the other two children will lose out. As was rightly pointed out by hon. Friends across the Chamber, that is an attack on some of the most vulnerable in society: children. The policy also discredits the claim of this Conservative Government that they are the party of the family and of religious freedom. It is yet another example of why the roll-out of universal credit needs to be stopped.

The Government must end the delays in payment, and it must also end one of the most shocking consequences of the legislation: the rape clause. Another former Secretary of State for Work and Pensions, the right hon. Member for Tatton (Ms McVey), made the extraordinary claim that the policy potentially offered rape victims double support: social security and “an opportunity to talk” about the assault. That was insensitive to say the least. As hon. Friends have pointed out, it was absolutely appalling.

Hannah Bardell: The hon. Gentleman is making a very powerful point. Does he agree that it is a very special kind of grim hypocrisy for a Government who have scrapped the child poverty targets and are heading towards a Brexit disaster that will see tens of thousands of jobs lost to then target the most vulnerable in society? They will no doubt be losing jobs as a result of Brexit, but the Government have brought in a policy that marginalises and breaches the human rights of so many vulnerable members of our society.

Mike Amesbury: I agree entirely with the hon. Lady. What the former Secretary of State said demonstrates how out of touch Ministers are. Perhaps more of them should have attended the debate today, because they would have heard many contributions that have laid bare the misery the policy is causing. We heard contributions from 10 Members: my hon. Friends the Members for Glasgow North East (Mr Sweeney), for Ealing Central and Acton (Dr Huq), for Stretford and Urmston (Kate Green) and for Bethnal Green and Bow (Rushanara Ali), the hon. Member for Glasgow East (David Linden), my hon. Friends the Members for High Peak (Ruth George) and for Bury South, the hon. Member for Strangford (Jim Shannon), my hon. Friend the Member for Midlothian (Danielle Rowley), and the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone). They are all very powerful voices for vulnerable children in this place.

This weekend, the leader of Scottish Labour called on the Scottish Government to mitigate the impact of the two-child limit. I urge the Scottish Government to use their powers to do so in advance of the budget on 12 December. They are already planning to use the new social security powers to introduce an income supplement. I urge them to help the 4,000.

Alan Brown: Does the hon. Gentleman accept the early points made about the limits to what the Scottish Government can do? He should bear in mind that they are not only trying to mitigate Tory cuts; these things are happening against a £2 billion cut to the Scottish budget in real terms. They are trying to mitigate Tory cuts with both hands tied behind their back.

Mike Amesbury: As my hon. Friend the Member for Glasgow North East said, there is a £10 billion supplement from the Barnett formula. We have heard the stories, and I have questions for the Minister.

Angela Crawley rose—

Mr Sweeney rose—

Mike Amesbury: I am sorry, I cannot give way any more; I must move on.

Some 59% of the 73,500 families who lost financial support are in work. What does it say about the Government’s claim that they are encouraging people into work if their policy chastises those very people? According to the Government’s own figures, each family claiming benefit lost up to £2,800 in 2017-18 as a result of the two-child limit. How is such a callous approach helping to support families and helping to tackle poverty? Some 2,820 households were exempted during the first year, the majority because they had breached the two-child limit after having twins or triplets. It would seem that Government policy is divorced from reality. In fact, it is divorced from biology. It is yet another example of a policy conceived out of ideological spite and prejudice, rather than an understanding of real life, of what motivates people’s choices and outcomes and even of basic biology.

From February 2019, all households with three or more children who make a new claim will be required to claim universal credit and will also be subject to the two-child limit, irrespective of when their children
were born. That cannot be right. It is not fair that the policy is applied retrospectively. Finally, yesterday, the Bishop of Durham and a cross-party group called for a ministerial direction to delay the February 2019 deadline. Will the Secretary of State and the Minister apply such a direction?

We have seen the effect that the policy is having on many households across the UK. We have seen how it is just one example of how Government social security chaos punishes rather than provides and focuses on savings, not support. The Government need to accept that their approach to social security has failed. They need to stop it, they need to fix it, and they need to fund it. Our communities, our families and, as we have heard today, our children deserve nothing less.

3.48 pm
The Minister for Employment (Alok Sharma): It is a pleasure to serve under your chairmanship, Mr Streeter. I thank the hon. Member for Glasgow Central (Alison Thewliss) for securing this debate. I know she has a long-standing interest in the subject, and earlier this year we met at the Department for Work and Pensions to discuss issues relating to this particular policy. Yesterday, as the shadow Minister just pointed out, there was a cross-party roundtable led by the Bishop of Durham to discuss these issues and I took part for some of the time, as did the hon. Lady. I thank all Members who have contributed to today’s debate.

My style is generally not to feed rancour in a debate, because I think it is important that we have a civilised discussion and colleagues have an opportunity to raise issues that are important to them, but the hon. Member for High Peak (Ruth George) talked about the fact that an economic mess has been created over the past eight years. I respectfully say to her that she was not in this House in 2010. A number of us were, and I would say that the economic mess we inherited was from the previous Labour Government. I must point out that 3.3 million jobs have been created since 2010—I see hon. Members shaking their heads in disbelief, but that is a fact—and wages are now outpacing inflation. The vast majority of those jobs are full-time and permanent, at a high level of education. That is not an economic mess.

Rushanara Ali: Will the Minister address the social mess that his Government have created? That includes not only this policy, but welfare and policing—the list goes on. Will he respond to the serious concerns that hon. Members have raised today? That is what we are after: not looking backwards, but addressing the problem at hand.

Alok Sharma: Of course I will address the issues, but it is important to look back and see where we have come from to reach the policies that we are now putting in place.

Several hon. Members mentioned universal credit. I know that this debate is not about universal credit, but I am afraid I must point out that the legacy benefits system is not really fit for purpose. It is incrediblly complicated, and as a result 700,000 households are not claiming—or are not able to get hold of—the full amount owed to them. Under universal credit, those households will be £285 better off on average per month. Likewise, 1.4 million people spent the best part of a decade on unemployment benefits under the last Labour Government, but that is changing.

I accept there has been discussion about finances, but I must say to SNP colleagues that, as Labour Members have pointed out, the Scottish Government have the power to create new benefits in devolved areas. They are able to provide assistance to meet short-term risk and they have the ability to top up reserved benefits from their own resources.

Neil Gray: Will the Minister give way?

Alok Sharma: I will, but I point out for the record that the hon. Gentleman did not give way when Labour colleagues wished to raise that precise point with him.

Neil Gray: The Minister points out that I did not give way, but of course I was at the end of my speech; I was winding up to allow him enough time to contribute to the debate. He says that the Budget interventions will make people better off, but the former Secretary of State, the right hon. Member for Tatton (Ms McVey), suggested that people on universal credit were £2,400 worse off. If the Government are suggesting that their intervention will make people £600 better off, does that not mean that people will still be £1,700 worse off as a result of their actions on universal credit?

Alok Sharma: Again, I must respectfully say to the hon. Gentleman and to other Opposition colleagues that it is one thing to say that they want to support their constituents and that I should be prepared to look people in the eye—but they too should be prepared to look their constituents in the eye and explain why they would not vote either for the additional £1.5 billion that we brought in earlier this year to support people on universal credit or for the Budget measures, which I will talk about in more detail.

Several hon. Members rose—

Alok Sharma: If I may, I would like to make some progress.

The fundamental aim of our policy is to strike the appropriate balance between support for claimants with children and fairness to taxpayers and families with children who support themselves solely through work. Colleagues may disagree, but a benefits structure that adjusts automatically to family size is ultimately not sustainable. Our benefits system needs to be fair both to those who need the support and to taxpayers, but ultimately it needs to be sustainable. Parents who support themselves solely through work would not generally expect to see their wages increase simply because of the addition of a new child to their family. Of course we recognise that some claimants are not able to make the same choices about the number of children they have; that is why we have exceptions in place for additional children in multiple births and children likely to be born as a result of non-consensual conception.

Ruth George: The Minister makes his case about children who are due to be born. What arguments does he make to parents and families who already have three or more children, who are all going to be affected by this policy and who have absolutely no choice about it?
Alok Sharma: The hon. Lady raises a perfectly valid point, which I will get to if she gives me the opportunity.

From 28 November, exceptions will also apply to children in kinship care, regardless of the order in which they joined the household. The exception will also be extended to children who are adopted who would otherwise be in local authority care. It is also worth noting that as a result of natural or managed migration to universal credit, families’ existing entitlement will be protected as long as they remain responsible for the same children and remain entitled to benefits; that will apply regardless of the number of children in their household or their date of birth.

As hon. Members will know, a judicial review of the policy was heard in the High Court earlier this year. The Court found that it was lawful overall—a judgment that the Government welcomed. Several colleagues have spoken about the impact of the policy on particular groups, but I should point out that the High Court judgment on 20 April found that the policy did not breach the right to freedom of thought, conscience and religion.

The Government remain committed to providing support for families. Under universal credit, 85% of childcare costs are covered—up from 70% under the old system—and, for the first time, people in part-time work can get help. That comes on top of the Department for Education’s 30 hours of free childcare provision for three and four-year-olds in England.

Mr Ivan Lewis: Will the Minister give way?

Alok Sharma: No, I will not, if the hon. Gentleman does not mind.

The flexible support fund is available to help eligible parents who are moving into work to pay up-front childcare costs or deposits. Child benefit continues to be paid to parents regardless of the number of children within the household. There is also an additional amount in universal credit designed to support disabled children, again regardless of the total number of children in a household.

To return to the Budget, we have listened to feedback about the support available for families on universal credit and we have acted. In last month’s Budget, the Chancellor announced that an extra £1.7 billion a year will be put into increasing work allowances for families with children and disabled people, strengthening universal credit work incentives and providing a boost to the incomes of the lowest-paid. This will result in 2.4 million families keeping an extra £630 per year of what they earn.

Alison McGovern: Does the Minister concede that a reduced cut to someone’s income is still a cut?

Alok Sharma: I have just explained how, as a result of these work allowances, more money is going into the system. As I say, if the hon. Lady wants that to happen, she should help us and vote for these policies.

Given the points made about poverty, it is worth pointing out that 1 million fewer people are living in absolute poverty than in 2010, including 500,000 working adults and 300,000 children. That is a positive outcome. Children living in workless households are approximately five times more likely to be in poverty than those living in households in which all adults work. There are now 637,000 fewer children in workless households than in 2010—a 33% decrease. The number now stands at a record low.

The Government continue to take action to help families with the cost of living through the national living wage, through reducing the universal credit taper to 63%, through raising the income tax personal allowance, and through childcare support, which I have already spoken about.

Several colleagues raised the changes to be made in February. I will simply point out that the High Court has found the policy to be lawful. From the Government’s perspective, this is an issue of fairness, but I will reflect on all the discussions that we have had in this debate.

This has been a useful debate in which colleagues have had the chance to air their views. I hope that I have demonstrated that we are a Government who listen. We have introduced support for families in the system and, of course, we will continue to listen and reflect.

Mr Gary Streeter (in the Chair): Alison Thewliss has the final word.

3.58 pm

Alison Thewliss: I thank all hon. Members who have come along today and contributed to the debate. The opposition to the policy is overwhelming; the fact that not one Tory MP could be bothered to turn up and defend it tells us all we need to know.

The policy will cause. Figures suggest that it will move the dial on child poverty from 33% to 42%. It has united people across all faiths and all women’s organisations around the country—a very unusual thing to achieve. It leaves people in a poverty trap; as has been outlined, a single mum with three kids would have to work a 45-hour week to make up the gap that the Government are leaving in her budget.

I plead with the Minister, as we have all done today. He has the option to halt the policy and prevent it from proceeding in February, I beg him to do so.

Motion lapsed (Standing Order No. 10(6)).
South Eastern Rail Franchise

4 pm

Robert Neill (Bromley and Chislehurst) (Con): I beg to move,

That this House has considered the future of the South Eastern rail franchise.

It is a pleasure to serve under your chairmanship, Mr Hollobone. Residents in Bromley have had real concerns for years now about the state of service that they get from the current franchise holder of the south-east London and Kent franchise. I know you are not unfamiliar with this area from a past life, Mr Hollobone. It involves the trains going up from the Kent coast, through the London suburbs, particularly in my case, the lines through Chislehurst and Grove Park to London Bridge, Cannon Street and Charing Cross, on the one hand, and, on the other, the line through Bromley South to Victoria.

Southeastern has operated the franchise since 2006. It is one of the largest in the UK with some 1,900 services each weekday. Some 65% of those are commuters travelling at peak times; it is essentially a commuter franchise. My constituency is essential commuterland. It has the second largest number of rail commuters of any constituency in England and Wales, following our neighbours in Lewisham West and Penge. There are a cluster of not-dissimilar constituencies in the area because, of course, we have no underground provision and Southeastern is effectively a monopoly provider.

The truth is that it has been a lamentably poor monopoly provider in recent years. There are failings in the train operating company and in Network Rail’s operations as well—something like 60% of the failures are probably attributable to the failings of Network Rail. We can put the two together, because it makes little difference frankly for my commuters standing on a platform waiting for a cancelled train or sitting on a delayed train to have any degree of blame shifting between the two. As far as they are concerned, it is one railway and they have no alternative.

Teresa Pearce (Erith and Thamesmead) (Lab): What the hon. Gentleman says about Network Rail and Southeastern is true. People buy a ticket from Southeastern, but the issue may often be with Network Rail, and the two do not work together. I am sure that he will not be surprised that, a few years ago, Network Rail spent a fortune extending all the platforms so that they could take 12-car trains, but Southeastern did not buy 12-car trains. That is the sort of not-working-together that makes the lives of our constituents miserable.

Robert Neill: That is absolutely right. A number of us have raised these issues in the past, and we raise them today because the franchise is due for renewal. It was consulted on in 2017 and is due for a decision imminently.

My constituents are deeply concerned that we will simply get more of the same. I have said publicly, and I have said it to his face, that the Secretary of State missed an opportunity to shake up the franchise when it was re-let on its current geographical basis. I believe, as do many of my constituents, that there is an inherent tension between the needs of those commuter trains that come up from the coast and those that are part of the London metro service, where they are fulfilling a function similar to that of the tube. It is very difficult to reconcile the inevitable conflicts between the two in the current configuration of the franchise.

Tracey Crouch (Chatham and Aylesford) (Con): I am a Member of Parliament who represents one of the areas where the train comes up from the coast. Along with colleagues from Maidstone and the Weald and Tonbridge and Malling, I have significant concerns about the amount of house building going on. The train service infrastructure is not necessarily there to support that. Does my hon. Friend agree that when a commuter is paying more than £5,000 a year to get into work in London, they expect the service to match the cost?

Robert Neill: That is absolutely right, and I have total sympathy with those further down the line. Investment has not matched capacity. The few trains that come up from the coast and stop at somewhere such as Bromley South are crowded by the time they get there. Despite the promise that the London Bridge rebuild would solve the congestion, it has not, and all too often, it is necessary, for whatever reason, for the signalling arrangements to let trains from the coast go through, sometimes not full, while people are sitting on commuter metroland trains that are absolutely rammed. That is not working for anybody. We also frequently get points failures in that first six miles out of London, and that affects everybody who uses the network, however far they are going.

It is no exaggeration to say that I could probably fill the whole of this half hour by reading out emails, tweets and messages from social media sites that I have received since this debate was announced. I have had scores and scores. The numbers are perhaps exaggerated this time because of the publicity, but it is more or less a normal arrangement for me. There is not a day on which I do not see some complaint or other about some failing on the trains.

I commute every sitting day from Chislehurst and I see it myself. I got the 8.09 from Chislehurst today. That is supposed to be a service of about 25 minutes, but I allow half an hour, to Charing Cross. That is not what it is supposed to be, but nobody expects these trains to run exactly to time—that is how bad it is. It is an exception if it runs to the minute. As it was, we arrived at 8.55, so it took nearly three quarters of an hour. My maths is not brilliant this afternoon, and I will be generous, but that is a 30% or 40% increase on what the journey time is supposed to be. That is not an exception; all too often, it is the norm.

Constituents say to me that they like the area, but are seriously thinking of moving because the trains are unreliable. As the hon. Member for Erith and Thamesmead (Teresa Pearce) said, that is compounded by the failure to invest in stock. Short train formations are a regular bane on both my lines and those going into north Kent, which creates serious overcrowding at peak hours. There is also pretty poor communication in terms of making people aware of last-minute cancellations and changes.

The one shining light of Southeastern is the quality of the station staff at our local stations. I have found every one of them to be absolutely excellent; they really do their best and are well linked into the communities that come up from the coast and those that are part of the London metro service, where they are fulfilling a function similar to that of the tube. It is very difficult to reconcile the inevitable conflicts between the two in the current configuration of the franchise.
they serve. It is not their fault. It is a case of lions being led by donkeys, as far as the operation of the franchise is concerned. They deserve better leadership and could do with better investment in some of their stations. They have to bear the brunt of the frustration of passengers who pay a lot of money and are simply not getting the service they are paying for.

The issues have been well documented. The Department conceded that the number of responses to the consultation on the proposed renewal of the franchise was “unprecedented”. It is not surprising, given the amount of anger and angst. There are assurances that the new franchise documents will meet the concerns and that they will be taken on board. People’s trust is running pretty thin. The Minister is new to his post, but trust in the Department is running thin as well, as is trust in the regulatory apparatus and the operator. We were told that there would be much more joint working. The reason given for not redesigning the franchise and putting the metro services into Transport for London was that the Secretary of State wanted to bring train and track together. Although there have been efforts at joint working and there is a joint board, in practice what I seem to get is senior managers from both sides coming and giving me their excuses together rather than separately. I am not sure that it makes much difference to my constituents on the platforms.

There are some pretty blatant examples beyond the daily grind of cancellation and failure. When I was sitting on the train waiting to get into Lewisham about 10 minutes behind time, I had a tweet from one of my constituents, Tommy, who is known to Network Rail because it tried to block him once, because it did not like the fact that he was calling it out for the errors that it was consistently making. He tweeted about three trains delayed in the Lewisham area. He was spot on. That was because they had all been held to allow a late-running Dartford train, which was already behind schedule, to come through. Owing to the way it was operated, there were now four trains behind schedule. Clearly, that joined-up working is simply not happening.

We have had other errors on basic things such as timetabling. A lot of my constituents travel from Bromley North and Sundridge Park, then change to the mainline at Grove Park. That is a busy station, because even trains that start from Orpington are pretty full by then. The timetabling means that often people have one or two minutes to get from one side of Grove Park station—it has about four mainline tracks plus a baby platform stuck on one side—to the other. It is a very short period for people to have to go up a lengthy walkway and then on to a footbridge. That is assuming that the mainline trains run to time. When they do not, the shuttle service leaves without people. People either run—and sometimes slip, as I have seen on the footbridge—and pile on to an overcrowded train, or else they are left hanging around for perhaps half an hour until the next shuttle returns.

Local MPs and I have repeatedly raised the issue of timetabling. Time and again, I have said, “Why can you not align the timetables properly on the Grove Park branches?” but nothing has ever happened. Only three branch?” but nothing has ever happened. Only three trains delayed in the Lewisham area. He was spot on. That was because they had all been held to allow a late-running Dartford train, which was already behind schedule, to come through. Owing to the way it was operated, there were now four trains behind schedule. Clearly, that joined-up working is simply not happening.

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Local MPs and I have repeatedly raised the issue of timetabling. Time and again, I have said, “Why can you not align the timetables properly on the Grove Park branches?” but nothing has ever happened. Only three stations can be saved on the app’s dashboard, yet most people would like to have a choice of which London terminal they go from if there are going to be problems.

That has been raised time and again with the most senior level of management. They say, “That’s an interesting idea,” but nothing ever happens.

About a year ago, there was a scandalous incident that ended up being investigated by the rail safety authorities. Just before Christmas, about half a dozen trains were stranded for up to four hours in the Lewisham area, affecting both sets of lines. There was very heavy snow and there were poor weather conditions—I accept that the central rail form of electricity on that line is particularly susceptible—but there was a complete failure to rescue people from the trains in any decent time, as my constituents regularly point out to me. A plan was supposed to be put in place to get people out of those trains—it should have been activated within an hour and got people out within two—but it failed. We had people sitting on those trains for five to six hours with no power.

One might think that something would have been done about that after the report was published by the Rail Accident Investigation Branch, but my constituents remind me that there have been another four incidents of people being stranded for two hours or more. The basic procedures for getting people off delayed trains are still being ignored—there is no other word for it. That seems to be an extraordinary failure.

I could go on at length. An excellent councillor for Bromley Town, Will Harmer, has just tweeted me. He says of the Grove Park scenario:

“Yes, it happened again last night. Train just left as the first person got on to the platform.”

How many times do people have to say that before it sinks into the minds of the people who run Southeastern trains? Another message reads:

“Thanks for raising this, Bob. The delay problems have been steadily getting worse. Southeastern trains have been getting away with murder.”

My constituent Alex Le Vey commutes, and he says:

“The service is getting worse—more overcrowding, more delays.”

Another constituent says:

“Trains are late almost every day. The 17.52”—

it goes down to the Medway towns—

“is 15 minutes late on average, and only on time 20% of the time.”

I mention that because managers, Department officials and Ministers often come out with statistics and say, “Actually, things are improving. Things are getting better. Statistics show that reliability has gone up.” That is not the lived experience of people on the trains and platforms. On the operation of Southeastern trains, I am inclined to take the view that there are “lies, damned lies and statistics”.

Looking at that scenario, it is understandable that we have real concerns about the franchise renewal. We might well get the same operator or one very much like it.

Matthew Pennycook (Greenwich and Woolwich) (Lab): I congratulate the hon. Gentleman on securing this debate. Many of my constituents are disappointed that the Government changed their mind and ultimately decided not to hand responsibility for the service to Transport for London. Knowing that the franchise will be renewed, they are worried that the renewal might be delayed. Earlier this year, we were promised that there would be an announcement this month—we have four
days left. Does the hon. Gentleman share my concerns that we need a decision to be made, and that the new franchise cannot be delayed? In the minds of my constituents, the worst possible scenario would be the current operator extending the service far beyond April next year.

Robert Neill: I agree. The Minister will not be able to tell me the likely outcome, but some of our problems are with the franchising process. I was a believer in franchising out because I thought it would bring competition, but there are only about three big conglomerates that are capable of bidding for those franchises. Competition is non-existent—those big conglomerates have a nice, captive market, and there is nothing like the incentive that there should be for them to come up with the goods for paying customers.

The hon. Gentleman is absolutely right to say that there is uncertainty and no guarantee of the investment that the network is crying out for. The thought of simply renewing franchises for operators that have failed would be, I think, pretty outrageous to most of my constituents and to most people who commute on that line. They do not want just a change of branding or a renewal or change with lots of promises that things will be better this time; they want to see precisely what is in the franchise document when it is published. We have seen the consultation, but we need to see the contract itself. What benchmarks is the operator being held to, what will be the penalties, and will those penalties genuinely be applied at this time? What more incentives will be offered to Network Rail to keep their end of the bargain? That is a big part of it, too.

What penalty will we sensibly apply to the public sector? When the private sector fails, franchises can be taken away—it should have happened more often in the railway network in the past—but we must also have proper recompense when the publicly owned Network Rail is at fault. What delivery timetables will ensure that overcrowding will be reduced and that the number of signal failures on the Network Rail side will be reduced, and over what time period? When will we have investment in the new carriages and the extra rolling stock? When will we have upgrades to the communications system? I recognise that we have seen some changes, such as to the delay repay system. With respect to the Minister and the Department, that is just skirting round the edges.

It is genuinely a pleasure to see the Minister back in his place. I hope it is not too much of a displeasure for him to have to come and listen to a debate on Southeastern trains again, because he did so a good deal in his previous incarnation. There must be a sense of déjà vu for him, as there is for me. Above all, there is a sense of déjà vu—not in a good way—for my constituents who are commuters. I am grateful for the opportunity to raise these issues, and after the debate I will happily supply the Minister with a detailed list of all the complaints that have been sent to me on social media platforms. I will get that across to his office tomorrow—it will set out what has happened in the past 14 days or so to one Member of Parliament. I suspect that there are plenty of other Members across the franchise area who can say exactly the same thing, and I look forward to the Minister's response so we can find out what is happening, when we will have some action and real promises, and how those promises will be delivered—frankly, people in our area have had enough.

Tracey Crouch rose—

Mr Philip Hollobone (in the Chair): Order. I am sorry, but I have not been notified that the hon. Lady wanted to speak. In half-hour debates, Members may speak only with the permission of the mover of the motion and the Minister. I am sure she can intervene during the Minister's speech if she so wishes. I ask the Minister to bring the train into the station no later than 4.30 pm, because that is when the debate will end.

4.19 pm

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): Thank you very much, Mr Hollobone. The world of transport provides a wonderful array of images.

I thank my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) for securing this debate and for being a champion for his constituents and the users of this important franchise, which, as he said, has been operated by Gvia since 2006. It is the third largest of all the departmental franchises. There were more than 450,000 passenger journeys per day in the first quarter of this year, so we are dealing with a railway of scale.

The franchise agreement between the Department and train operators includes key performance benchmarks —they all do—to ensure that the franchise delivers with passengers at its heart. I do not think that claim could be made consistently throughout the history of British railways. That is our objective, and that is how I will approach the whole industry.

Despite what my hon. Friend said—I look forward to receiving that dossier, as I am keen to hear direct feedback—Southeastern’s performance, as we measure it, is consistently above the average for London and the south-east. Of course, that should never be a cause for complacency. One should always try to improve, and the Department has regular conversations with Gvia.

Robert Neill: I anticipated that the Minister would make that point. Will he consider one point? Many commuters on the line firmly believe that the statistics are skewed by, for example, changes to the timetable, which actually lengthen the journey time to give more dwell time between the stations so as to avoid penalties. They feel that there is an element of questionable counting. Once we have sorted this issue out, will he sit down with us to get a common view of how the statistics are calculated? People are beginning to lose faith in some of them.

Andrew Jones: I understand that, but it is important to have a set of statistics that give us comparable data from franchise to franchise over time so we can measure performance. Dwell times obviously influence journey lengths, and they are nearly always to do with how quickly people are able to get on and off changes at a platform. That is to do with the capacity and the popularity of the network. I will look at the statistics. I want a set of customer statistics that we can trust so we can hold the rail companies to account. My job is to speak up for the passenger. We are spending a huge amount of public money, with £48 billion of investment in the next control period, which starts in April, so we need to focus that to ensure we deliver for passengers, including those represented by my hon. Friend.
We have talked about the new franchise, which has been designed with a specification to ensure that Southeastern joins up with the new Thameslink routes across Kent. That will ensure the best possible service for passengers, in terms of services, space on trains and reliability.

Questions have been asked about the timing of the award of the franchise. It will be made not this week, but in the new year. I will keep all colleagues who are served by the franchise posted on the timing. The reason for the delay is that the evaluation of the agreement for the next franchise has taken longer than anticipated because we wanted to ensure that passengers get the best deal possible.

I completely share my hon. Friend’s view that we need reliability. The new franchise recognises the importance of reliability to passengers. As such, bidders must jointly appoint an alliance director with Network Rail, who will be responsible for overseeing joint teams, including one focused solely on performance. That individual is expected to be the single public face of the railway to its passengers. The point about communication in the industry was made clearly. We all know that it has broken down at times, but this is a positive move to address those concerns. Bidders are being asked to work with Network Rail to develop proposals for a digital traffic management system to allow more trains to recover from minor delays and still meet the published timetable.

All those measures are expected to deliver a railway that is more reliable and accountable to the passenger. If my hon. Friend is interested, I would like to invite him to join me on a visit to the Kent Integrated Control Centre at Blackfriars—not too far away—to see the excellent joint working that is already going on between Southeastern and Network Rail. It will be enhanced and built on in future franchises. He may wish to consider that; we can discuss it outside this debate.

The specification for the new franchise is intended to allow room for an additional 40,000 passengers in the morning rush hour by December 2022. It is designed to tackle the crowding levels and uncomfortable conditions on services today.

**Tracey Crouch:*** The introduction of High Speed 1, which runs through my constituency, has helped to alleviate the pressure on the branch lines. In fact, it has been so successful that we have managed to get it to stop at Snodland, around which there has been a vast amount of house building, and it has been enormously popular. I raised the issue with the Minister’s predecessor, but there are now concerns that, as part of the new franchise, High Speed 1 will no longer stop at Snodland. Given that there is a delay in announcing the next franchise, will the Minister meet me to discuss how we can ensure my constituents in Snodland are still served by an incredibly successful and important part of the South Eastern franchise?

**Andrew Jones:** I will of course be delighted to meet my hon. Friend. We will set up that meeting promptly.

The hon. Member for Erith and Thamesmead (Teresa Pearce) and others asked how we will deliver more capacity. It will be through longer trains. The new trains will be able to carry more passengers because we are increasing the number of the longer 10 and 12-car trains at the busiest times. First-class accommodation will be converted to standard class on commuter services to increase space for passengers further. That builds on the point that this is a hugely busy and hugely successful commuter line.

Incremental changes are being sought to today’s timetable that will deliver a more operationally robust daily plan. For example, we are reducing instances where services must cross at congested track layouts, such as those at Lewisham, which are a significant cause of passenger delay. The intention is that the next franchise will deliver a more regular service where possible. The key thing we are trying to get across is that this is about predictability and reliability. I know full well that passengers need a service they can rely on, and that is our plan.

Hons. Members will be interested to know that Sunday services will be enhanced and will be comparable to the level of service on Saturdays—a significant increase from today. There will be a Sunday service on the Bromley North branch for the first time in a considerable number of years. I hope that is of interest to my hon. Friend the Member for Bromley and Chislehurst and the constituents he serves. Services on the Medway line will also be improved, and an additional two trains per hour will run to Ashford via Tonbridge outside the peaks. That will allow Hastings services to miss some stops to improve journey times. I know from my visit to Hastings that that is a key passenger aspiration.

A significant amount of work is being done to deliver an enhanced railway. It is clear that travellers are impatient to see the new services. I fully understand that. We are focused on placing the passenger at the heart of everything we do and working with the existing management of the franchise to maintain and improve its performance before the new franchise is announced.

The new franchise will offer the passenger very significant benefits. I have urged my officials to ensure we get those benefits as soon as possible. Everybody is impatient for them; that is certainly a message that I have taken from this debate. I thank my hon. Friend and all colleagues who have contributed to the debate. Their contributions have been heard and understood, and we will take them on board as we work to make this rail franchise better.

**Question put and agreed to.**
EU Settled Status Scheme

4.30 pm

Matt Warman (Boston and Skegness) (Con): I beg to move.

That this House has considered the EU settled status scheme.

This debate is about Europe, which is apparently why everyone is leaving the Chamber—I do not blame them—but at its heart, it is about people. It is about the millions of people across this country who have come from other European countries and made their lives and livelihoods here. It is about people who the Government have been clear from the off that we want to stay and whom we welcome.

In my constituency of Boston and Skegness, Boston itself has grown by one third over the last eight or 10 years, largely down to immigrants from other European countries. With them in mind, I wanted to secure this important debate, in part—I should be frank—to place on the record some of the success of the EU settlement scheme. My constituents are holding their breath because, in the eyes of some, the scheme will decide whether they can stay in this country and carry on living their lives. That is not the case. For the vast majority of them, it is a formality that will provide certainty and the necessary paperwork to confirm the fact that they live here, are welcome to stay, and will continue—we all hope—to be active and vibrant parts of our communities.

That is in the spirit of the question that I asked the Prime Minister immediately after the vote. Hon. Members should bear in mind that I am the Member of Parliament for a constituency that has a very large number of people from eastern Europe who cannot vote in parliamentary elections, but who I and other MPs in the same situation are privileged to represent. As I have said, some of those constituents are worried, but they should take some heart from the initial stages of the settlement scheme. I do not want to steal all of the Minister’s thunder, but as I am sure she will be keen to emphasise, in the first part of the beta stage, of the “digital signature”, which allows people to easily reassure employers wishing to take them on that they are settled and allowed to work in this country. The system links directly into Her Majesty’s Revenue and Customs and allows people who have the continuous residency mentioned by the hon. Member for Bath (Wera Hobhouse) to demonstrate that they have the necessary paperwork to confirm the fact that they live here, are welcome to stay, and will continue—we all hope—to be active and vibrant parts of our communities.

That is in the spirit of the question that I asked the Prime Minister immediately after the vote. Hon. Members should bear in mind that I am the Member of Parliament for a constituency that has a very large number of people from eastern Europe who cannot vote in parliamentary elections, but who I and other MPs in the same situation are privileged to represent. As I have said, some of those constituents are worried, but they should take some heart from the initial stages of the settlement scheme. I do not want to steal all of the Minister’s thunder, but as I am sure she will be keen to emphasise, in the first part of the beta stage, of the “digital signature”, which allows people to easily reassure employers wishing to take them on that they are settled and allowed to work in this country. The system links directly into Her Majesty’s Revenue and Customs and allows people who have the continuous residency mentioned by the hon. Member for Bath (Wera Hobhouse) to demonstrate that they have the necessary paperwork to confirm the fact that they live here, are welcome to stay, and will continue—we all hope—to be active and vibrant parts of our communities.

The Minister knows more—there has not yet been a reciprocal arrangement from the EU for British citizens abroad to register in the same way that EU citizens can do here. It might be a model for government not just in the UK but for Governments around the world. We should bear in mind that this is not simply about EU citizens in the UK, but about UK citizens in the EU.

I will highlight two positive elements in particular. The system links directly into Her Majesty’s Revenue and Customs and allows people who have the continuous residency mentioned by the hon. Member for Bath (Wera Hobhouse) to demonstrate that they have the settled status, which clarifies their position and enables them to continue living life in the UK in exactly the same way. It also provides what might be called the “digital signature”, which allows people to easily reassure employers wishing to take them on that they are settled in this country, and which means that they are not in the unfortunate position of having an identity card or papers that might be stolen by people with bad intentions towards vulnerable people. The system is digital for the convenience of both the user and the Government, but in a way which genuinely benefits the user. There are a number of very good elements.

I have some questions for the Minister, the first of which I hope will be clarified in the future if not today. The reason why the scheme has been in the papers so much is the attitude of Apple and the inability of its phones to support the scheme, which is slowing down the process. We must not pretend that the rival operating system, Android, is the minority—it is a massive part of the market—but Apple should surely be co-operating with the Government and allowing the necessary chip to be used in a way that would make life easier for an awful lot of my constituents and for the constituents of other hon. Members in the Chamber. That is an issue that Apple must address, and I hope the Minister will tell us a little about what will happen on that front.

It would also be useful if the Minister said a little more about how the Government will spend the £9 million that they have recently committed to helping vulnerable people use the scheme. That commitment is hugely welcome. Many constituents are not able to use the internet or go online as easily as we—or they—might wish, and although I welcome the Government spending to assist those vulnerable people, a little more information on how that money will be spent would be helpful.
I would also like the Minister to indicate what plans are being made for the self-employed or for the dependants of those in the scheme, so that we can have confidence, as it expands beyond the 250,000 people being added in a couple of days’ time. I know that a lot of work has already been done on that front, but it remains the case that the majority of people who will be part of the scheme are not yet part of it. I hope we are in a position to reassure them that their futures are in good hands.

Finally, it is important to say that the report from the Joint Council for the Welfare of Immigrants makes one legitimate point and several points that I regard as less legitimate. People who have been, for example, the victims of human trafficking might get their fees waived in other circumstances; will that be the case in this scheme? What specific provisions will we make in future as more and more vulnerable people in different categories come into the scheme?

I end as I began, by saying that, contrary to claims made by the Joint Council for the Welfare of Immigrants, this scheme will give people a number of years to settle their status. It will, I hope, allow them to gain the peace of mind that we all want them to have. As the Prime Minister said, we welcome them as part of our communities and we want them to stay. I and many other MPs are keenly aware that our job is to represent people who live in our constituencies, whether they are able to vote for us or not.

In that vein, I pay particular tribute to the work of Migration Matters and PwC’s Julia Onslow Cole, who helped me a bit with this debate. They have keenly scrutinised the scheme already and been involved in it to some extent. They have been eager to praise it where it is worthy of praise and, like many of my constituents, they hope that the future will go as well as the past. We should also pay tribute to the progress of the scheme so far, and remind our constituents that it is providing a small number now—a large number in future—with the security that they need and deserve. I hope that the message that goes out from the debate today is that this is an example of a Government IT scheme that, for once, is delivering on the ground quickly, providing people with the peace of mind that they deserve.

At its heart, the settlement scheme might not sound as though it is a profoundly emotional matter, but many people worry that the Brexit vote has fundamental consequences even for those who came to this country many years ago. We as a House of Commons should do everything we can to reassure them that they are welcome in the communities in which they have settled and that the Government will not put unnecessary barriers in the way of their future life in this country. With that, I look forward to the Minister’s response.

4.42 pm

**Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Boston and Skegness (Matt Warman) on securing an important debate.

Frankly, it is appalling that people still face uncertainty about settled status. Recently, I held Brexit public meetings throughout my constituency and shared with my constituents all the information available from the Government website. They did not feel reassured, and only asked more questions. The continued uncertainty about settled status is costing communities and families who contribute socially and economically. In the public meetings, I met EU nationals who are doctors, nurses, teachers, service workers and many more. They remain terrified by the uncertainty. They still have no answers to the most basic questions about their future.

The uncertainty about settled status has already had a devastating impact on the ability of our local employers to recruit the workforce they need among people from the EU countries. Instead, those people who would be taking up opportunities and jobs in part of the highlands where 20% of our economy is based on tourism, are choosing to go elsewhere in the EU for work. I have heard from countless business owners in my constituency, particularly in tourist towns such as Aviemore, about their staff shortages and the impact of the uncertainty on their businesses.

The uncertainty is particularly frustrating for employers who cannot get a straight answer on the rules. The Home Office has said:

“Employers will not be expected to differentiate between resident EU citizens and those arriving after exit.”

That contradicts comments made by the Immigration Minister, who only days ago told a parliamentary Select Committee that employers would be required to do “rigorous checks to evidence somebody’s right to work”.

If they cannot agree among themselves, how do they expect employers to know what to do? We are not talking only about those who want to employ EU nationals but about EU nationals who are themselves business owners.

This is a profoundly personal situation for many people. Shortly after the referendum, I was approached by constituents who ran an import-export agricultural business. The uncertainty about their future has forced them to close their business, and now they are concerned because they have primary school-age children; they are worried about their status and whether they are able to live and work here at all. Based on the warm words of the UK Government so far about protecting EU citizens, I have tried to reassure them, saying that I imagine that they will be okay in future, but the lack of any evidence to back that up with fact means that the people affected are, and remain, deeply unsettled.

The hon. Member for Boston and Skegness described the situation as profoundly personal. This is a profoundly personal problem for people, but in my constituency and many like it in Scotland, it is also a profoundly personal situation for the communities in which EU citizens reside as our friends and neighbours. We have the pain of trying to work with them through this Brexit mess.

**Wera Hobhouse**: Is it not true that we might also be failing the most vulnerable? Some of the processes are difficult to understand; some of our more vulnerable EU citizens might not understand them all, and legal aid is not available. Should we request that legal aid be made available to our more vulnerable citizens who find the process difficult to understand?

**Drew Hendry**: I completely agree. For public service workers in Scotland, the Scottish Government have stepped in to support EU nationals, but that is something...
that should simply be done as a matter of course across the nations of the UK, because there is a big problem. The lack of information and clarity from the UK Government has posed a significant problem.

I am grateful to have had the opportunity to speak in this debate, Mr Hollobone. The UK Government need to get a grip on this. People cannot be left in their current state of uncertainty and worry.

4.48 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is a pleasure to serve under your chairmanship, Mr Hollobone. I, too, congratulate the hon. Member for Boston and Skegness (Matt Warman) on securing this debate.

My party and I obviously very much regret the need for a settled status scheme at all but, for so long as we are heading down that road, we all have an interest in ensuring that it works as well as it possibly can for the sake of all those caught up in it. I congratulate hon. Members who have raised a number of concerns and issues that still require resolution or clarification, while also commending the scheme’s positive features. I acknowledge that a lot of hard work has gone into the scheme so far, but my hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) reflected the overriding and pervading sense still of worry. As an Opposition MP, I will focus on that side of things, rather than on the more positive aspects highlighted by the hon. Member for Boston and Skegness.

First, there is the issue of who qualifies for settled status. The Government did a lot of work to build trust, but every now and again they seem to shoot themselves in the foot. The latest problem has been a discrepancy between what is committed to in the statement of intent and what is delivered by the immigration rules. The intent was clear—that all EU citizens bar serious criminals would be allowed status, and only proof of identity and residence and a criminality check were to be required. However, the immigration rules reserve for the Home Office the right to refuse all who are subject to removal for not exercising treaty rights. That comes across as a breach of trust, which should be remedied. This is not a hypothetical matter—29% of permanent residence applications are refused for non-exercise of treaty rights, so hundreds of thousands of people, if not a million, may be caught by that.

I came here from another interesting meeting of the Home Affairs Committee, at which the permanent secretary and the Home Secretary again went out of their way to reassure us that their intention is simply to stick to the statement of intent, and that all that will be required is ID, residence and a criminality check. I put to the Minister what I put to them: why not ensure that the immigration rules reflect what is in the statement of intent and remove this ambiguity and dubiety altogether?

I have not yet established whether certain classes of people will qualify. I have raised some of these issues before, but I am still not clear whether a number of carers will qualify for settled status, including Zambrano, Teixeira, Chen and Ibrahim carers. I raised that at the Home Affairs Committee and was promised a letter; which never arrived, so it would be useful if the Minister clarified that. The number of people involved is very small, but the consequences are just as important for them as for everybody else.

I turn now to cost. My party has long called for the scheme to be free. I do not expect the Minister to announce that that will happen. We welcome the waivers and reductions that have been introduced, but we continue to call for the Government to go further. The hon. Member for Boston and Skegness mentioned some vulnerable citizens for whom it would definitely be appropriate to seek a waiver. After all, we are requiring these people to apply to remain in their own homes and jobs. Charging them for the privilege seems to me to be rubbing salt in the wound. Although £65 does not seem a massive amount, we are talking about a family of five having to pay £230. On top of that, at least 100,000 people will have to apply for renewed passports and so on, and there may be other costs related to the scheme. When all those expenses are taken into account, the cost could add up.

Drew Hendry: My hon. Friend mentioned the £65 charge for applications, but there is a £32.50 fee for children. Does he find that unpalatable?

Stuart C. McDonald: That is a fair point. I reiterate that our party believes the scheme should be free of charge altogether.

My hon. Friend mentioned the Scottish Government, but there are other employers who want to support their EU employees by paying the fee for them. For example, this morning I met the University of Cambridge, which is among those employers who want to pay for EU employees to achieve settled status. Actually, it will go further and apply for family members, too, so hats off to it. I understand there may be a technical issue with that, but I think employers want to be able to pay the fee as their employees make the application rather than having to reimburse them after the event. I do not know whether that is possible, but it would be useful if the Minister commented on that.

There is a concern that if employers reimburse their employees, they will be charged tax by the Treasury. Obviously, that would be awful from all sorts of perspectives. It will cost the University of Cambridge around £1 million to reimburse its EU national employees. For the Treasury to tax that would be wrong in principle, and it would not be good for the Government to be seen to be taxing settled status applications funded by employers. It may also discourage other employers from doing the same. I think the Home Office is keen for as many employers as possible to support their employees through the scheme, so it would be useful to hear what the Minister has to say about that. Again, I raised it with the Home Secretary a few moments ago in the Select Committee. He said he would be willing to raise it with the Treasury, and it would be good if the Minister was on side with that, too.

On evidence and advice, I have absolutely no reason to doubt that this process should prove simple in straightforward cases. However, like the hon. Member for Bath (Wera Hobhouse), I am worried about cases that are not simple, such as those involving elderly EU citizens who achieved permanent residence many years ago but are long retired and lack documentation. Why exclude any sort of evidence—evidence of family, friends and other sources—for example—from consideration? Why not allow caseworkers to look at all the evidence in the round in cases where the Home Office’s preferred type of evidence is not submitted?
Some people will have very difficult decisions to make. For example, they may be offered pre-settled status by the Home Office and have the choice of either challenging that and continuing to look for settled status or just going with what the Home Office offers them. Advice will be very important. Although the practical advice offered by the Home Office is helpful, I absolutely agree with the hon. Lady and my hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey that there should be provision for independent legal advice via legal aid for those who need it but cannot afford it. That will be available in Scotland as normal through the advice and assistance process, but it should be available to all throughout the UK.

More generally, we need a concerted and ongoing outreach scheme to ensure that everyone who needs to apply applies. The hon. Member for Boston and Skegness mentioned the £9 million that has been spent so far, but I am clearly worried that that will not be enough. I recently read an alarming paper from the British Medical Association, which suggested that 37% of EU doctors were blissfully unaware of the Government’s settled status scheme. Imagine what that figure is among people who are not brilliant at English, elderly or vulnerable people, and people who never use the internet. There will be many who simply do not think they need to apply, including children who think they are British because they were born here but are not.

That leads us to what is probably the pivotal question: what happens to those who fail to register by the cut-off date? That includes both those who do not apply at all during the initial period and vulnerable people who get pre-settled status but fail to apply during the subsequent five years. Again, that will include children and other vulnerable people, such as trafficking victims. I asked in the Select Committee why we need a cut-off date at all. Surely, the end of the implementation period provides all the motivation we need to encourage people to apply. If even 2% or 3% fail to make it—for most Home Office schemes, we would be lucky to get 80% to 90% of people applying—tens or hundreds of thousands of people who should have applied will not have done so. Those people will face all the same consequences the Windrush generation faced, but the numbers involved absolutely dwarf that horrible episode. There is no need for a cut-off point. People should continue to be able to apply afterwards.

There are significant concerns about those who obtain status not being provided with a proper document. The hon. Member for Boston and Skegness talked up the positives of the digital document, but there is another side to that. These people, too, fear the hostile environment. The Residential Landlords Association, the 3million, the Joint Council for the Welfare of Immigrants and the Exiting the European Union Committee have all warned us that most applications will be made during that time. That will be a problem. The UK will leave the EU in four months’ time, but significant uncertainty remains for the 3 million EU citizens in the UK. I will focus on three areas: the Government’s failure to protect EU citizens from the hostile environment; broken promises on citizens’ rights; and the roll-out of settled status so far. To avoid another Windrush scandal, those issues must urgently be addressed.

First, it is clear that EU citizens will be subject to the full force of the Prime Minister’s punitive hostile environment. Will the Minister take this opportunity finally to clarify what checks employers will be required to carry out on EU citizens after Brexit and what evidence will be sufficient for EU citizens to prove their status? At any point during the transition period, will employers be required to differentiate between EU citizens who are already here and those who arrive during the transition period? Will an EU passport or identity card be enough for any EU citizen to prove their right to work until the end of the transition period? Have any business groups raised these issues with the Minister or anyone in her Department?

Right-to-work checks are a fundamental plank of the hostile environment that was directly responsible for Windrush. We know that EU citizens have already faced discrimination in the job and rental markets. The lack of detail from the Government is contributing to this climate of uncertainty and confusion.

Matt Rodda (Reading East) (Lab): Does my hon. Friend agree that many EU citizens are so concerned about their future that they are deciding instead to apply for British nationality, to give them the guarantee of being able to stay in this country, such is the level of concern to them and their families? I raise an anonymous example from my constituency, of a young, highly-skilled family with three young children, where the mother has had to pay £1,500 to gain British nationality. It has been a huge cost to them and been very distressing. Does my hon. Friend agree that the whole process is causing undue distress?

Afzal Khan: I agree with my hon. Friend. Friend that this process is causing difficulties. I know from past experience that the regime of charges in operation, which are being increased, almost seems to some people to be a profit machine rather than providing good service to the public.
I would like to ask the Minister what would happen if applicants lost their access to digital proof of their settled status, for example in the case of Home Office errors in record keeping or loss of data? Would there be alternative ways for them to provide proof of status?

Secondly, the Government have broken a promise to EU citizens and gone against assurances given to the House on settled status checks. We have been told multiple times by different Ministers that the Government will not check that an EU citizen is exercising their treaty rights under free movement. In a recent letter to my hon. Friend the Member for Oxford East (Anneliese Dodds), the Prime Minister wrote:

“You asked me whether resident EU citizens and their family members applying for UK immigration status under the EU Settlement Scheme will be required to show that they meet all the requirements of current free movement rules. I can confirm that they will not.”

However, in recent changes to the immigration rules the Government granted themselves the power to reject settled status applications if someone was not doing this.

In a written answer to my hon. Friend the Member for Sheffield Central (Paul Blomfield), the Minister for Immigration said:

“The draft Withdrawal Agreement does not protect those who are not exercising or are misusing free movement rights. This means that, while free movement rules continue to operate to the end of the planned implementation period, there will remain scope, as a matter of law, for a person to be removed from the UK on those grounds.”

There are a number of people—for example, carers, stay-at-home parents or retired people—who are not exercising treaty rights and are at risk of having a removal decision made against them. Can the Minister tell us why she has granted her officials this power? Either the Government are going to use this power for at least some applicants, in which case Ministers have gone against significant assurances to EU citizens and to this House, or this power will never be used, in which case why grant it in the first place?

Thirdly, on the roll-out of settled status so far, am I right in saying that the settled status app is still not available on Apple products? Is the Minister aware that the facial recognition feature on the Android phone is not working in some cases and the Home Office has required people to send in their original passports just weeks before Christmas? What measures are being put in place to ensure that privacy of biometric data is protected, especially where the Government share this data with their contractors?

The campaign group, the3million, has raised concerns about the accuracy of the Minister’s report on the first phase of settled status. It is misleading to say that “no cases have been refused”, as 129 people—over 12%—of the applicants were still awaiting a decision. Can the Minister clarify the situation that these people are in now?

There remains significant concern about how vulnerable people will register: The Minister has emphasised that it will be a “simple, straightforward process”, but even simple processes can become complicated very quickly for people with complex lives. During a Home Affairs Committee hearing, one of the Government’s immigration advisers said:

“It is possible that in a few years’ time when the scheme has been implemented, we won’t really have any idea how inclusive it’s been and whether there are significant numbers of people who fall through the gaps.”

How will we know how many EU residents are left without status when the Government do not collect or release the necessary data?

On Sunday, a withdrawal agreement was published that fails to address significant issues with EU citizens’ rights. Onward free movement for UK citizens in Europe has not been resolved. We have not had guarantees of what will happen to the agreement on EU citizens’ rights in the event of no deal. EU citizens will be subject to the hostile environment, may be required to prove they are exercising treaty rights and the Government will have no idea how many people remain undocumented come December 2020.

We have been told that the immigration White Paper may come as early as next week. Can the Minister confirm this? How will it affect EU citizens who are already here? We have already suffered months of uncertainty because the Government cannot get their house in order. The Government have failed to protect EU citizens in the UK.

5.6 pm

The Minister for Immigration (Caroline Nokes): It is a pleasure as ever to serve under your Chairmanship, Mr Hollobone. I add my congratulations to those of other hon. Members to my hon. Friend the Member for Boston and Skegness (Matt Warman) on having secured this important debate on the EU exit settlement scheme. My hon. Friend has raised this with me previously in the House, and I recognise his particular constituency interest, with the population of Boston and Skegness having increased by one third.

I would like to thank Members from both sides for their contributions to the discussion today and to put firmly on the record how much work has gone into the EU settlement scheme. It is a good news story that the scheme is open for private beta testing well ahead of EU exit day.

EU citizens make a huge contribution to our economy and communities. It is not just that they can stay, but that we want them to stay. Since the 2016 referendum, there has been a great focus by the Home Office on securing citizens’ rights and delivering the scheme so that EU citizens can obtain their UK immigration status quickly and easily.

Members will know that in December 2017 we reached a deal with the EU on citizens’ rights. In March 2018 we agreed to extend that deal to those who arrive during the planned implementation period, which will run until 31 December 2020. The full legal text of the draft withdrawal agreement, published on 14 November, secures the rights of more than 3 million EU citizens living in the UK and around 1 million UK nationals living in the EU.

The scheme we have been discussing today enables those who are resident in the UK before the end of the planned implementation period to obtain UK immigration status in a straightforward process. Anyone who already has five years’ continuous residence in the UK when they apply under the scheme will be eligible immediately for settled status. Those who have not yet reached five
years’ continuous residence will be eligible for pre-settled status and will be able to apply for settled status when they reach the five-year point.

The scheme is a simple and streamlined application process, which draws on existing Government data and processes to minimise the burden on applicants. Caseworkers will be looking for reasons to grant, not for reasons to refuse. We expect the great majority of the 3.4 million currently resident EU citizens who will be eligible to apply to do so and to be granted status. They will have plenty of time to apply before the deadline of 30 June 2021.

I would like to give some feedback on the first pilot of the private beta testing phase that we ran in the north-west of England, which has now finished, with excellent feedback from participants. Some 1,053 applications were received, with a decision now granted in 1,046 cases, which were dispatched by 19 November.

**Matt Rodda:** I appreciate the Minister’s comments about the testing phase. Will she agree to meet me and a selection of constituents with EU nationality who have concerns about the scheme, as part of the feedback?

**Caroline Nokes:** I thank the hon. Gentleman for that question. Throughout my time as Immigration Minister, I have always been pleased to meet as many interest groups as possible, so I will be delighted to meet him and some of his constituents. I would like to reassure him that I also have a constituency in the south-east of England and regularly meet my own constituents, who raise their concerns with me, and understandably so. Since the referendum, it has been a time of uncertainty and upheaval for some people, and it is important that the Government make ourselves as accessible as possible, so that we can give a reassuring message to our residents.

**Drew Hendry:** I hear what the Minister says about making the message as encouraging as possible, but does she agree that when language is used, either deliberately or lazily, saying that EU nationals are “jumping the queue”, it sets back that objective quite considerably?

**Caroline Nokes:** The hon. Gentleman will be aware that we are moving forward shortly with a new immigration system. Sometimes it can be very frustrating in the Chamber, because we end up on time limits and with either the Chair of a debate or the Speaker urging us not to take up too much time, but I am always very conscious in the language that I use that we must be welcoming, careful and tolerant. Immigration is an emotive and difficult subject, and I always regret it when my time limit means that I speak in what I refer to as tabloid headlines, which I never welcome. It is important that we set out in due course—hopefully very shortly—our future immigration system, which will certainly be based on skills that people can bring to the UK. That is our position going forward.

As I was saying on the update of the private beta testing phase 1, the average time taken to reach decisions was just under nine calendar days, and the fastest decision was made within three days. All applicants successfully proved their identity and, as my hon. Friend the Member for Boston and Skegness said, around 94 per cent of those who provided customer feedback found the application process easy to complete.

The second pilot began on 1 November and will test the online application as an integrated, end-to-end process. It will significantly scale up the testing with EU citizens working in the higher education, health and social care sectors across the whole UK, who make such a huge contribution, being able to apply. I would like to thank them and their employers for assisting us in this way. This phase will also enable us to consider the support that some vulnerable applicants may need. The Government have already announced grant funding of up to £9 million to enable voluntary and community sector organisations across the UK to provide such support.

We are also using the remaining months before exit to scale up our communications and outreach. Millions of people have already seen Government advertising encouraging them to visit gov.uk for easy-to-understand information, and there will be a comprehensive set of communications materials next year. As I have travelled the country over the past few months and met EU citizens, I have been pleased to hear that they have already received communications, and many are confident about the settlement scheme’s progress.

My hon. Friend raised a series of questions, all of them important ones that he is absolutely right to raise. We continue to work with Apple to deliver the identity verification functionality that is currently available only on Android. He may be aware that my right hon. Friend the Home Secretary was in America only recently, and I am conscious that this is an issue that he continually raises at the highest level.

The £9 million grant funding to those groups helping vulnerable people is incredibly important, and my hon. Friend the Member for Boston and Skegness asked how, specifically, it was to be spent. On 25 October we announced the grant funding to enable voluntary and community organisations across the UK to support EU citizens who need additional help to apply. We have been working really closely with charities and community organisations representing the needs of vulnerable EU citizens. These grants will help them to inform vulnerable individuals about the need for status and to give practical support in enabling them to complete their applications.

I visited the Barbican library some months ago to look at the Assisted Digital service, and I was impressed with the commitment of people there to ensure that individuals were getting the support they needed. We currently have a pilot running with five local authorities, including Kent and Lincolnshire county councils, Sheffield City Council and Waltham Forest and Haringey borough councils. We are also working with seven non-governmental organisations, including the Cardinal Hume Centre, St Vincent de Paul, the East European Resource Centre, Coram, Rights of Women and various other groups. Our aim is to ensure that grants are awarded across the UK to communities where support is most needed and where organisations are able to provide it. The lots are specifically designed so that a diverse range of organisations are able to apply; eligible organisations can be charities, non-profit organisations, community groups or religious organisations.

The second phase of testing will finish on 21 December, which will enable us to have, in technical terms, a fire break between phase 2 and a further phase of testing, which will occur in the new year. Self-employed people can prove their residence via our automatic data matching...
at Her Majesty’s Revenue and Customs, and family members will be able to use a range of evidence not necessarily linked to employment to prove their residence.

My hon. Friend and, I believe, the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), who spoke for the Scottish National party, raised the matter of fee waivers and the cost of applying. This matter was raised with me in the House, specifically in relation to victims of human trafficking, by the hon. Member for Birmingham, Yardley (Jess Phillips). She made, as indeed my hon. Friend the Member for Boston and Skegness has made, an important point. I undertook then to look at the specific issue of those who had been victims of human trafficking, and I would like to reassure hon. Members that it is a point well made and something I am looking at very closely.

However, having agreed the level of fees with the European Union, we believe that our approach is reasonable, proportionate and fair to all EU citizens, and application is free of charge for those who hold valid permanent residence documentation or indefinite leave to remain, and for children looked after by local authorities.

Drew Hendry: I am grateful to the Minister for giving way a second time; she is very generous. She is highlighting the fact that the scheme, or elements of it, has been agreed with the European Union. Can she give a cast-iron guarantee that all the measures she is talking about will be in place, regardless of the outcome of the meaningful vote and what happens after this place has decided on the deal brought forward by the Prime Minister?

Caroline Nokes: It is important that we give reassurance to EU citizens living here. As the former Secretary of State for Exiting the EU, my right hon. Friend the Member for Esher and Walton (Dominic Raab), made very clear, I believe, in one of his Select Committee appearances, this is a solid commitment to EU citizens, who we want to stay. I think one hon. Member might have raised the spectre of this, but we are certainly not going to remove EU citizens.

Moving on to some of the comments that hon. Members have made, the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) spoke about employers. That is an important point. I was pleased to be at the launch of the employers’ toolkit that we have been making available to employers since much earlier in the summer, which was designed hand in hand with employers. I am conscious that they play a significant role in communicating to their employees how the scheme will work. We are already working with specific employers, NHS trusts and now universities as part of the testing phase. The toolkit has been welcomed and is useful, and it is designed to enable employers to help their employees through the process.

The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East raised a number of points. I want to focus on a productive meeting that I had yesterday with the Scottish Government Minister for Europe, Migration and International Development, as part of a series of meetings I have undertaken to have specifically with him, but also with representatives of the Welsh Government and local government. It is important that we engage widely both with parts of the United Kingdom and with local authorities where there is a significant impact.

We know that when people feel uneasy at times, they are likely to turn to local government or the devolved Administrations for support.

The hon. Gentleman also specifically raised those who exercise rights as carers as Zambrano, Chen, Ibrahim or Teixeira cases. We have indicated that those resident as Zambrano cases are not protected by the draft withdrawal agreement, but we have decided as a matter of domestic policy to protect them. We consider that their current rights do not lead to a right of permanent residence under EU law, but a new UK status will be made available to them, as it will be for Chen, Ibrahim and Teixeira cases.

The hon. Gentleman also raised the issue of landlords. I was very pleased, as Immigration Minister, to reconvene the landlords panel, which I co-chair with Lord Best. We met recently and, with a group of representatives of landlord organisations, went through the digital right-to-work check, which we will mirror for landlords with a digital right-to-rent check. It is a straightforward process, and the landlord representatives present were impressed with the way the right-to-work check already works. We will roll that out for landlords to make their checks as easy as possible.

The test phases majored on by some Members are exactly that—tests. It is very important that we make sure the scheme works as it is rolled out. We started deliberately in a very small and controlled way, and have expanded it significantly in phase 2. As my hon. Friend the Member for Boston and Skegness mentioned, it will be expanded much more widely in the second part of phase 2 testing. We expected there to be bugs and to need to make technical fixes. That was part of the reason for testing.

Afzal Khan: I asked the Minister many questions, many of which have not been answered. Will she undertake to get those answers to me? She also mentioned the discussions taking place on Apple phones. Is she able to enlighten us on how long those discussions will carry on? Is she aware of the face recognition difficulties with Android phones that I mentioned?

Caroline Nokes: As I indicated just a moment ago, we are conscious that there have been several technical bugs. A good example was the system not recognising hyphenated surnames, which we were able to fix in phase 1 of the scheme. Some additional technical issues have been flagged up in phase 2, and we are working extensively to overcome them. I will not give a timeline for the resolution of the challenges with Apple phones, suffice it to say that a really constructive discussion is ongoing. My right hon. Friend the Home Secretary is a very persuasive man, and I am sure that we will reach a resolution as soon as possible.
Stuart C. McDonald: The Minister has made a lot of helpful comments in response to some of our questions. Two remain, but I do not know if she can answer them today. First, will she simply clarify why there is a discrepancy between the statement of intent and the immigration rules in relation to the non-exercise of EU rights being a ground for refusal? Secondly, will she revisit why we have to have this severe cut-off point? What will happen to people who do not apply in time before the end of the scheme?

Caroline Nokes: We have indicated that there will be a proportionate approach to those who do not apply in time, which I am very conscious could be for very good reason, such as ill health. It is important that we do not penalise people who have every right to be here. We are determined to be as welcoming as possible. We are working to make sure that we articulate that properly, not only through our communications but through the immigration rules.

I thank hon. Members for their contributions. I reassure hon. Members that at no point throughout this process have we underestimated the challenge of granting immigration status to more than 3 million people. However, we have made a strong start, and we have everything in place to make this whole process a success.

Matt Warman: It has been a pleasure to serve under your chairmanship, Mr Hollobone. I thank the Minister for giving actual answers to questions—that is not unusual for this Minister, but it is unusual for some—and I am pleased that that thanks was echoed by the Labour Front-Bench spokesperson as well. Some of these interesting and important questions have been answered.

However, I end with the point that I made earlier. When people are worried that their lives and livelihoods will be affected, we in the House have a duty to communicate that, while this scheme is not perfect, it has made a very strong start and will, I hope, provide those 3 million people with rapid reassurance. For us to scaremonger would be irresponsible.

Question put and agreed to.

Resolved,

That this House has considered the EU settled status scheme.

Sitting adjourned.
W estminster Hall

Wednesday 28 November 2018

[Stewart Hosie in the Chair]

Tyne and Wear Fire and Rescue Service

9.30 am

Mary Glindon (North Tyneside) (Lab): I beg to move, That this House has considered the proposed new integrated risk management plan for Tyne and Wear Fire and Rescue Service.

It is an honour to serve under your chairmanship, Mr Hosie. Judging by the attendance of right hon. and hon. Friends from Tyne and Wear and neighbouring constituencies, this debate demonstrates the importance of a good fire service, which is essential to our lives, our communities and the industries and services that we rely on.

I am grateful both to our chief fire officer, Chris Lowther, and to the chair of Tyne and Wear fire authority, Councillor Barry Curran, for taking time to meet MPs in recent weeks to discuss the new integrated risk management plan, and for being so candid when answering our questions. I have no criticism of our fire and rescue service under our fire chief; it has done its very best to provide a high level of service to our communities in the last eight years, despite the massive Government cuts to its budget. Nor have I any criticism of our hard-working councillors who serve on the fire authority and are managing their way through particularly tough times for local government.

As a member of the Fire Brigades Union parliamentary group, I am more than aware of all the problems that cuts to resources have caused, and I have nothing but praise for the commitment and dedication of each of our firefighters, to whom we owe a great debt for keeping us all safe, day in, day out. Over the past few years, they have worked diligently throughout a succession of cuts to services and staffing, as well as having to suffer an erosion of their own terms and conditions.

I am grateful to see that the policing and fire Minister is here, and I hope that he will be open minded as I talk about funding cuts to our fire service. I politely ask that, for the next hour and a half, the Minister puts to the back of his mind his claim that the fire and rescue services have the resources that they need to do their important work, and instead concentrates on only the very genuine concerns that I and colleagues will express.

I will spend a little time considering how we got where we are with the proposed new IRMP. I have already mentioned that Tyne and Wear fire authority has suffered funding cuts for the last eight years, and those cuts can only be described as inordinate, because they have been some of the worst cuts to any service in England since 2010. Does the Minister acknowledge that austerity measures have affected metropolitan and northern fire and rescue services disproportionately since 2010?

Catherine McKinnell (Newcastle upon Tyne North) (Lab): I commend my hon. Friend for securing the debate and for her excellent introduction. I absolutely concur with every single word. Will she ask the Minister to accept that, far from austerity being over, as the Prime Minister claims, the impact of those cuts on our constituents will continue for many years to come?

Mary Glindon: I thank my hon. Friend for her intervention. I am sure that the Minister heard her question and I hope that he will give her a sound answer.

By the next financial year, the revenue support grant will have been reduced by £10.8 million, which is equivalent to 18.2%. There is also a projected gap in financial resources of £2.2 million in the next financial year, which will increase to £3 million by 2020-21, and to £3.6 million by 2021-22. The ability to increase income from council tax has been limited by freezes and caps imposed by national Government, and because Tyne and Wear is an area with high deprivation, there is no scope to raise income from business rates or council tax to the same extent as in more affluent areas, where fire and rescue services have benefited. With such regional differences, how can there ever be an even playing field?

On top of all this, Tyne and Wear fire service has had to manage higher costs, such as inflation and pay awards, which means that just over £25 million of total budget savings have to be met.

Mr Stephen Hepburn (Jarrow) (Lab): In the light of the dire case that my hon. Friend is making on behalf of people in Tyne and Wear, I wonder if, like me, she thinks that there would be merit in holding a meeting between the Minister and a delegation of Tyne and Wear MPs, the chief fire officer and the chair of the fire authority, in order to discuss these matters?

Mary Glindon: I think that would be an extra way to present the case to the Minister, and I hope that he is open to that suggestion.

The new IRMP, produced under the Home Office’s fire and rescue national framework, has been prepared in the face of those reductions in spending and the projected gap in financial resources. Since 5 November, it has been out for public consultation, which will close in the new year, on 14 January. The proposals include the downgrading of wholetime availability at Hebburn and Wallsend to an on-call system, with up to a 30-minute delay between the hours of 8 pm and 8 am; the reduction in available fire appliances at Tynemouth and South Shields between the hours of 8 pm and 8 am, because of the need to provide fire cover for Wallsend and Hebburn; the reduction of two fire appliances—one each from Gosforth and Washington—by relocating them to Newcastle and Sunderland central, respectively; and the downgrading of an immediate wholetime appliance at Northmoor, Sunderland, to an on-call appliance with a delayed response. There will also be a reduction in the number of staff, with 16 posts lost in 2019 and a further 54 posts lost over the next two years.

Catherine McKinnell: My hon. Friend referred to the consultation. Given the serious risks to public safety in some of the proposals, does she share my concern that the consultation period falls over Christmas and new year and is unlikely to be fully engaged with for the full 10-week period, and that the Minister should therefore consider extending it to a 12-week period to allow for that?
Mary Glindon: That concern has been raised by the FBU, and I raised it with the fire chief at my meeting with him. The Christmas period means the consultation is shorter than it ought to be, but I am not sure that the fire authority would be minded to extend it. If it is possible, I hope that it can be done, because the public consultation needs to be just that—public.

The aim of the proposed changes in the IRMP is to ensure that Tyne and Wear fire and rescue service can deliver a flexible and sustainable service to our communities, and focus resources on where the greatest risks are across the area, but the FBU, which will be meeting MPs on Friday, believes that the proposals will make all communities in Tyne and Wear less safe, because of the reduction in immediate response from a decreased number of immediately available fire engines with a decreased workforce over a greater area of the authority.

Furthermore, the proposed changes come on top of efficiencies made in recent years, which include the removal of six appliances across the service; the reduction of aerial ladder platforms from three to two; the stand-down of two fire appliances during quieter periods; and the introduction of two targeted response vehicles to attend lower risk incidents 24/7, and of two further targeted response vehicles to be staffed at night. There has also been a review of valuable fire and safety and community safety functions, which have proved to be so important in areas of high social deprivation to avert antisocial behaviour and increase fire prevention. From the beginning of June this year, crews in Wallsend, Marley Park, Hebburn and Birtley were reduced to four firefighters, which was described by the FBU as a dangerous move.

All the while, like neighbouring services, Tyne and Wear fire and rescue service is called to over-border activity. In the past year, the number and frequency of incidents attended by Tyne and Wear with fire engines for Ponteland fire station was 53, and for Northumberland 195, whereas Northumberland mobilised fire engines in Tyne and Wear only 71 times. In 2018, I hope that the Minister’s colleagues in Northumberland are aware of the need for extra resources in their area and that they have made representations to him.

The question is why are the cuts so necessary when the service has reserves of £28.5 million? The answer is that £24.5 million is earmarked: £16.5 million to prevent lower risk incidents 24/7, and £3.5 million to fund the capital programme. Reserves are a finite resource, so the service has stated that they cannot be used to fund sustainability, meaning that there is no room for manoeuvre there.

We cannot ignore the stark warnings of the FBU about the implications of the IRMP proposals. We must remember that our firefighters’ lives are at risk, as well as those of the general public. How much more of a hit does the Minister think the morale of our firefighters can take? How will further reductions in the fire service affect our businesses and economic growth? How could we attract businesses to an area where their valuable assets might be lost because of the lack of adequate fire and rescue cover? The public consultation might result in a rejection of the IRMP and the drastic cuts to our fire service operations. What would be the result? What would happen next?

I feel strongly that the IRMP proposals go too far. I am sorry to say this, but Ministers will be held directly to account if the cuts worsen a major incident, or cause injury or death. I look to the Minister present for some hope that the Government will live up to their responsibility to the people of Tyne and Wear and work to make available some extra funding to prevent the need for the IRMP to be implemented in its current form.

Although I trust that the fire chief and the fire authority are doing their best to make the best of a bad job, it is true to say that ultimately their decisions are based on financial considerations more than on any other factors. On their behalf, I have some asks for the Minister, which I hope he will consider thoroughly. In developing a fair funding model, will the Government take a nuanced approach, based on the effects of area and family deprivation on community safety risk factors? Will the Government give more certainty about funding in the medium term, as that would strengthen the fire authorities’ ability to plan financially to ensure better use of resources and reduced reliance on reserves? The removal of capital funding is not sustainable; can that be reinstated? Also, will the Government fund national policy and decisions that impact on services, to relieve the burden on the already overstretched services that they offer?

I hope that the Minister has heeded me, as I asked at the beginning, and will give full consideration to what I have said. I am sure that he will hear further plaud from my colleagues about how important the subject is, and why we need to make changes to the resources given to our brave firefighters.

9.44 am

Mr Alan Campbell (Tynemouth) (Lab): It is a pleasure to serve under your chairmanship, Mr Hosie. I congratulate my neighbour, my hon. Friend the Member for North Tyneside (Mary Glindon), on securing this important debate and on making a powerful case for our local communities, as she always does. I, too, place on record my appreciation of the vital work of our firefighters in keeping us safe. We are about to enter the festive period, when many of us will, I hope, be safe at home with our families. We must remember, however, that the emergency services, including firefighters, will be on duty over that period, as they are every day, keeping us safe.

Recently, I too met the Tyne and Wear chief fire officer, Chris Lowther, and a fire authority representative. More recently, I met Russ King of the FBU and firefighters at the fire station in Tynemouth. I therefore understand why the fire authority felt the need to propose the changes in the integrated risk management plan, given the financial constraints within which it has to operate, but I am sceptical and indeed critical of the suggested changes as they affect my constituency. To be clear, however, we should not simply fight for our own areas; this should be a whole Tyne and Wear issue, and the plan should be one that keeps every community safe, whichever constituency it happens to be in.

As my hon. Friend said, under one of the proposals offered, fire engines at Wallsend will simply be day-crewed, with an engine from Tynemouth taken over there to provide cover during the night. My first concern, therefore, is about the dilution of cover and the time taken for sufficient engines to arrive at a major fire incident. According to the consultation document, an average delay of simply 17 seconds will result from the change, but for someone who lives in St Mary’s ward in my constituency, with the second engine at Wallsend, the delay will be considerably longer in practice.
The fact is that, while the speed of response is important, the weight of response is crucial. For a fire involving people, at least three appliances are sent, so a thinner spread across an area would mean drawing engines from further away, and that adds time. In addition, as a result of previous cuts, as we have heard, some crews have already been reduced to only four members. For a person in the first engine reaching the fire and believing someone is in that fire, the enormous moral pressure to act is great, and that increases the risk. Under the proposed changes, that will get worse. Tynemouth station also has a mass decontamination vehicle to decontaminate firefighters and indeed the public. In theory—or in practice—that requires 28 operatives, but under the proposals that number will be reduced to only 16. To be clear, resources are already stretched, and the proposals will stretch them further.

Tyne and Wear appliances are already thinly spread, in particular when they are drawn into Northumberland. In recent years, Northumberland fire service has made cuts, and those at West Hartford, for example, mean that Tyne and Wear appliances are regularly drawn across the border into Cramlington. This summer, in Blyth, a major incident required five engines: three came from Tyne and Wear, and two of them were from Tynemouth fire station. Section 16 of the Fire and Rescue Services Act 2004 provides for mutual assistance, but the situation in Tyne and Wear is already stretched, so cuts might make mutual assistance impossible in future.

Even without engines crossing the border, the situation in Tyne and Wear is overstretched. Last Thursday, in North Shields, firefighters were called to a fire on the Meadow Well estate. At the same time, a further fire was reported in Cullercoats, which required an engine to be called from Fossway in Newcastle, seven miles away, leaving east Newcastle, an area of considerable industrial activity and housing, with a lack of cover. In April 2018, four engines were called to a fatal house fire in the Knott flats in North Shields—under the proposals, four engines will not be available locally. Earlier in the year, a fire at Hillheads in Whitley Bay was also, unfortunately, fatal. If the changes go through, the risk will be even greater. Firefighters tell me that it was becoming very rare to go to a house fire in which there was a fatality, but that has not been the case in recent times. Under these proposals, that could get worse.

Fire prevention is a crucial part of keeping people safe. The fire authority says that if the job losses continue in Tyne and Wear fire and rescue service as a result of these changes and what has gone before, 70 posts will be lost, and the FBU says 82 posts will be lost. Either number is considerable. One effect is likely to be a reduction in fire prevention work. There is already little time for fire prevention work in schools. Attacks on crews are also up by 25% nationally, and antisocial behaviour, which is increasing, is often linked in my constituency to fire raising. Uniquely, there was a bonfire night campaign this year, which is the first time I remember that being the case. There is an ever-diminishing resource and an ever-increasing risk. Although we see that in our constituencies, this is not about turning one area against another.

It is clear, not least from what my hon. Friend the Member for North Tyneside said, why we are in this position. Tyne and Wear is a metropolitan fire brigade; metropolitan fire brigades have taken 50% of the cuts since 2010. One of the root causes is the linking of funding to band D council tax. That means that better-off areas in the south tend to do better than metropolitan areas in the north, where the typical council tax band is more likely to be A or B than D.

There is a way that fire authorities could raise more funding. If they wanted to increase the precept by more than 2.99%, they could have a referendum, but I am told that the cost of holding a referendum would be greater than the money that would be raised to spend on the service. Understandably, that is not a route they would want to go down. Tyne and Wear has said that it has not had capital grants since 2010-11 and that equipment needs to be replaced. Reorganisation sometimes means that the location of fire stations has to be remodelled. It is important that the fire authority looks at reserves, but it must be careful because it cannot spend that money and still have the reserves in future to spend again.

I hope that the Government will reconsider changing the funding formula in the way that my hon. Friend the Member for North Tyneside described. I hope they will think carefully before they go too far down the sparsity route. Sparsity added into the funding will not do anything for metropolitan areas such as Tyne and Wear. I hope that we get some kind of equalisation. Whether it is business tax, council tax, or whatever other kind of taxation or funding, we have a habit of using a national model that does not look at needs in different areas. If fire authorities in the south have sufficient resources to run a good service, why are they being rewarded while other areas, such as Tyne and Wear, lose out?

The Government must face up to the consequences of the proposed cuts. The Home Office is responsible for fire and rescue—the police and fire Minister is in his place. It is odd that the funding still comes from the Ministry of Housing, Communities and Local Government—perhaps the Minister will confirm whether that is true. It is very odd for one Department to be responsible for making decisions, and another to be responsible for going to the Treasury to lobby for money. HCLG has its own priorities, so I am not sure another Department’s priorities will be at the top of its list.

I have a lot of respect for the Minister, but the Home Office cannot perpetuate a laissez-faire approach where decisions on police cuts are the responsibility of the police and crime commissioners, and spending and decision making on the fire service are down to chief fire officers and fire authorities. If the Government do not provide the funding in the first place, fire authorities and police and crime commissioners will simply manage cuts. That must not be allowed to continue.

There is a consultation, but the period is truncated. Whether or not it continues to be truncated, I hope that residents in Tyne and Wear will find time to look at the consultation and to make their views known. I certainly will.

Several hon. Members rose—

Stewart Hosie (in the Chair): Order. I want to call the Front-Bench speakers no later than 10.40, to give each speaker at least 10 minutes to speak. If colleagues could ration their speeches to around eight minutes, that would be marvellous. I call Sharon Hodgson.
Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): It is a pleasure to serve under your chairmanship, Mr Hosie. I thank my hon. Friend the Member for North Tyneside (Mary Glindon) for securing this important debate and for her excellent speech outlining the issues.

Many people in the constituencies served by the Tyne and Wear Fire and Rescue Services, whom we all represent apart from the Minister and the shadow Minister, are following this debate closely. A significant number of constituents have written to me in recent weeks to raise their concerns about the proposed new integrated risk management plan for Tyne and Wear fire and rescue service, and the ongoing cuts to fire and rescue services more widely. People will be particularly concerned about this issue in the light of troubling events in recent weeks in which firefighters have been verbally and physically attacked—I will come back to that.

It has been noted in this debate that fire services across the country have felt the significant impact of funding cuts since 2010. As a result, almost 12,000 frontline firefighter jobs have been lost, including 285 in Tyne and Wear. Tyne and Wear fire and rescue service faces a number of unique funding challenges—we have heard about them in detail—and I want to bring some particular ones to the Minister’s attention. By 2019-20, the revenue support grant will reduce by £10.8 million, to £45.8 million. Based on all current information, the authority is on course to face a cumulative funding shortfall of £3.96 million by the end of 2021-22. Doing nothing is not an option. I am sure that colleagues will agree that is a huge shortfall, especially when pressure on all our public services is increasing.

The Minister may say that there are fire and rescue services across the country whose finances are growing—we heard that from my right hon. Friend the Member for North Tyneside (Mary Glindon) and from the shadow Minister, Mr Hosie. I thank my hon. Friend the Member for Sunderland Central (Julie Elliott)—an incident took place that has been described as the worst attack of its kind in a decade. Firefighters were called to an incident in which a car was driven on to a bonfire, and they were pelted with bricks, bottles, and fireworks. The firefighters were ambushed and cordoned in by criminal “pool” cars. It is difficult to comprehend the mindset of someone who actively sets out physically to harm those on whom we rely to keep us safe, and I was pleased to see Sunderland Council back a motion just last week to call for a zero-tolerance approach to attacks on emergency service workers.

The recent Assaults on Emergency Workers (Offences) Act 2018 will hopefully begin to have an impact, as the maximum sentence for such attacks has now been increased from six to 12 months. However, we must acknowledge that such things do not just happen or appear out of nowhere, and those attacks are a symptom of the underlying damage to the fabric of a community that has suffered almost 10 years of punishing austerity that has imposed cuts on all our public services. We know that when services engage with communities through education and youth inclusion, and collaborative partnerships with other public services such as Sunderland clinical commissioning group and the Northumbria police and crime commissioner, I urge the Minister to ensure that all fire and rescue services are given the
tyne and Wear Fire and Rescue Service

10.4 am

Bridget Phillipson (Houghton and Sunderland South) (Lab): It is a pleasure to serve under your chairmanship this morning, Mr Hosie, and I congratulate my hon. Friend the Member for North Tyneside (Mary Glindon) on securing this important debate and setting out with such clarity and conviction the challenges we face. Let me pay tribute to the immense dedication of our firefighters in Tyne and Wear, and across the country, who take risks every day on our behalf. We owe it to those brave men and women to ensure that they have the resources they need to do their job properly and keep us safe. Our firefighters rely on excellent support staff, to whom we are very grateful.

Well-founded and real concerns arise from the proposed measures in the integrated risk management plan. On Friday I heard directly from firefighters at Farringdon community fire station about their fears regarding the risks that may be faced by the public under the proposals. The proposals would result in one fire engine at Farringdon being “on call”, which follows previous reductions in service across Tyne and Wear, as well as at Rainton Bridge community fire station in my constituency.

When firefighters are called to respond they do not fully know what lies before them, and it is vital that they have the resources they need to tackle the incident, so that the risk of harm is reduced as much as possible. Last Friday, and on every occasion I have met local firefighters, they impressed on me their determination to serve the community, whatever the circumstances. We discussed recent serious and tragic events in Sunderland, where firefighters have been called to respond and where there have been fire deaths. We cannot, and should not, expect those who put their lives on the line to be exposed to unnecessary risk, and the underlying factor in all this is the unfair funding settlement that leaves those areas of greatest need wanting.

Year after year the fire authority has had to confront difficult decisions driven by funding cuts from central Government, rather than what works and is in the best interests of our community. In 2012, I secured a Westminster Hall debate on that issue. In advance of this debate I reviewed what had been said then, and it is remarkable how little has changed, other than that the situation has got progressively worse. There has been an increase in incidents and fires, a massive reduction in the number of firefighters, and increased response times. If there were a backdrop of reducing demand, Ministers might find the rationale for these measures understandable, but demand is increasing, not reducing.

Since 2010, major cuts and efficiency savings have been made, yet we are facing even more. We have seen some of the worst funding settlements across fire and rescue services in England, and by 2019-20, there will have been a 19% budget cut at a time of rising cost pressures for the authority. I hope the Minister will listen to the concerns raised today by Tyne and Wear MPs, and to express my deep gratitude to Chris Lowther and the firefighters—some of whom are in the Gallery today—and everyone in Tyne and Wear fire service who works tirelessly day in, day out, serving our community and keeping us safe.

10.7 am

Liz Twist (Blaydon) (Lab): It is an honour to serve under your chairmanship, Mr Hosie, and I congratulate my hon. Friend the Member for North Tyneside (Mary Glindon) on securing this important debate about our fire and rescue services. I, too, thank the chief fire officer for taking time to brief me and other Members about the issues faced by Tyne and Wear fire and rescue service under these proposals, and I thank and pay tribute to members of our local Fire Brigades Union who have done a great job in considering these proposals and raising their concerns.

This debate did not begin this year, because as we have heard there have been earlier iterations of the IRMP. When I was a local councillor this issue affected the area I served, and it now greatly affects my constituency. Some years ago, in one of my local fire stations—Swalwell, which serves a largely rural part of my constituency—we lost what I used to call a fire engine, although I understand technically it is called a pump. We lost that pump from that station, which caused huge concern at the time. We had the introduction of new tactical response vehicles, which are response units for what are believed to be minor incidents. However, firefighters never know until they get there exactly what incident they will be facing, and the loss of that pump has led to a reduction in response times. One fire engine on its own cannot necessarily deal with an entire incident for safety reasons, and waiting for a second vehicle has had a detrimental effect on the service. Very real concerns remain, which have been demonstrated by the delayed response times.

Last year, further changes meant that the pumps were reduced to running with four staff members instead of five, again causing a risk to the service. That affected the station in Birtley, which is at the far end of my constituency. At that stage, staff were hugely concerned about the changes that were coming. As I reminded him when we met, the chief fire officer undertook to look at whether the numbers could be raised to five per pump in the future. Given the proposals and the budget gap we face, that is looking even less likely, but it is something I believe is important.

I very much understand the concerns expressed by my hon. Friends. The changes we are discussing today may not directly impact on my constituency, but there is a cumulative effect. Inevitably, a change in one part of Tyne and Wear, whether that is Hebburn, South Shields or elsewhere, will have an impact on the rest of my constituency. In a concentrated area that relies on mutual support between teams, there will inevitably be an impact in staffing changes and the reduction and downgrading
of vehicles. We cannot make the change in one area of Tyne and Wear without it impacting on other areas. That is a crucial point.

Earlier this year, I asked the Minister whether he would consider funding fire and rescue authorities by risk, not demand. He referred me to the reserves, which many Members have mentioned. I have asked the fire chief about those reserves and have been briefed on that. Will the Minister address the question of considering risk, not demand, and the number of incidents, which, given the nature of our communities, would have an impact on the Tyne and Wear rescue service?

As others have said, Tyne and Wear fire and rescue services are disproportionately affected by changes in council tax funding, because 75% of the properties in Tyne and Wear are below band D. While we may agree to increase the precept, that does not produce the same returns that more prosperous areas can produce. That issue affects a lot of our services, and I hope the Minister will address it seriously, because it is a real concern for us.

Will the Minister also take depravation and its impact on the fire and rescue services into account? Will he look at reinstating capital funding for fire and rescue services? I know that reserves have been earmarked, but it takes a huge chunk, requires forward planning and there is a risk if the funding is not in place. Whatever Government Department makes a change, whether that is the Treasury making national insurance increases, pay awards or other increases, or another Department making other changes, that should be taken into account and be fully funded, so that we are able to meet the needs of the fire and rescue services. Certainty in funding is hugely important for all services, but especially for our fire and rescue services.

On Sunday, I will be meeting firefighters at Swalwell in my constituency to get their views on the latest proposals and to listen to their concerns. Many of them have been looking at the proposals over a number of years, not just this year, and expressing their concerns in a very measured way, pointing out the issues that they will cause. Some of those warnings have been borne out. When I meet them, and the firefighters and Fire Brigades Union at Birtley as part of the consultation, I would like to be able to tell them that the Government have heard their concerns and will take action to fund the Tyne and Wear fire and rescue service properly.

Mr Stephen Hepburn (Jarrow) (Lab): It is a pleasure to serve under your chairmanship, Mr Hosie. I congratulate my hon. Friend the Member for North Tyneside (Mary Glindon) on securing this crucial debate for the people in our constituencies.

The chief fire officer, Chris Lowther, the chair of the fire authority, Councillor Barry Curran, and the regional Fire Brigades Union, in particular Russ King and Tony Curry, who are with us today, and all firefighters are working together to try to find the best possible solution for the people we represent, while knowing all the time that if these cuts go ahead, people living in Sunderland and wider Tyne and Wear will be less safe. It is not possible to implement the cuts that are being proposed and not put people more at risk.

I question the timings in the consultation and worry about the number of appliances that will be available. It is important to remember that Tyne and Wear is a densely populated area, in parts very industrial, with two major ports and chemical and manufacturing plants. If something goes wrong, it can go quite catastrophically wrong quite quickly. The need to be able to get to an area quickly with the right number of appliances is absolutely crucial to the outcome of fires.

We have had two very serious incidents in my constituency in recent times. First, there was the one on bonfire night, which my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson) referred to, so I will not go through the details again. That was a worrying situation that fortunately did not escalate, but could easily have been catastrophic. Secondly, we had a huge industrial fire, which took weeks to get under control, at a former recycling plant in an area that is crammed with industry and has residential areas around
it. Those are just two examples of how, if things go wrong, the type of area we live in is relevant to what is being said today.

I do not want to repeat what has already been said. Instead I will stick to three main points. First, as my hon. Friend the Member for Houghton and Sunderland South (Bridget Phillipson) said, funding choices are only real choices if we have the money to make them. Choices where we do not have the money are not real choices, and that is down not to local decision making, but to the amount of funding the Government are supplying to provide the service that saves people’s lives in our communities.

The consequences of cuts since 2010 are that there are fewer fire appliances across the area, over one third fewer firefighters than in 2010, and much less work being done in the crucial area of community engagement on fire prevention measures and education about the risks of fires. I feel strongly about that, because I think the incident on 5 November in my constituency might not have happened had there been more community engagement about the risks of fire.

I know the Minister listens to us when we bring issues to do with the fire service to him, because I met him recently with my right hon. Friend. Friend the Member for Newcastle upon Tyne East (Mr Brown) to try to find a solution to the problems that Tyne and Wear fire and rescue service faced because of its pensions shortfall. A workable solution to that shortfall was found, but it is adding pressure to the service’s current financial situation. Although we totally accepted that we had to find a solution, that financial pressure is adding to the burden we have today.

Secondly, for me, the biggest problem is to do with council tax, which my right hon. Friend the Member for Tynemouth (Mr Campbell) went through in some detail. Using council tax band D as the denominator to work out budgets is simply unrealistic in our area. Tyne and Wear does not have a band D average—far from it. In Sunderland, there are 129,636 properties on the valuation list, of which only 8,962 are in band D. Hon. Members should not think that that is because all the properties are rated higher: there are only 5,012 in bands E, F and G put together. Almost 90% of properties in Sunderland, the largest local authority area within Tyne and Wear, are in bands below band D, so when the Government regard band D as the average, that has a significant effect on the ability to fund a service.

Thirdly, as my right hon. Friend also mentioned, I understand that the Minister here today is based in the Home Office, but the budget is in the Ministry of Housing, Communities and Local Government. That is a massive problem, because, as was said, for a Minister to lobby for funding in a Department he does not sit in is quite extraordinary. I have not come across it before; I am sure there probably are examples of it, but I find it extraordinary.

The Minister needs to look again at the funding formula, taking into account all the concerns about our real-life situation and the band D issue, which makes it simply impossible to raise extra funds as he might suggest we do. It is often said that this is a matter of local decision making, but as I said, local decision making is impossible against a backdrop where the funds needed cannot be raised. I ask the Minister in particular to address the concerns about funding.
She believes every word that she said and the fact that chairmanship, Mr Hosie. I start in a traditional and it is a huge pleasure to serve under your

10.30 am and our communities safe and well.

The cuts also need to be considered in the context of available reserves. The service is under pressure to make cuts of £3.6 million, yet it has £3.9 million in unallocated reserves. I know the plan is about sustainability, but regularly when I stand up to speak in the Chamber, the Minister tells me that the fire service will not receive any more money, as it has reserves, and that fire responses are decreasing. Sadly, that seems to be his stock and only response. It would be nice to hear something different today.

That observation of the Minister’s is deeply flawed. As a service, fire and rescue is more than just fire response; it plays a vital role in our communities. Overall incident responses, rather than just responses to fire-related incidents, have increased every year since 2014. His response also overlooks the level of unallocated reserves available to fire services; it is important to recognise that unallocated reserves make up only a small percentage of overall reserves. I ask him to make a distinction between the two. I understand that reserves are a one-off, needed to deal with unforeseen pressures, and that this is money that has been hard-saved during the current Government’s tough budget squeezes. As the National Audit Office has stated, reserves are part of a robust financial strategy.

We simply cannot justify cuts to frontline or support services when the service has sufficient financial resources to prevent the service being downgraded. I urge the Tyne and Wear fire and rescue authority to reconsider its options. The community’s safety must be prioritised. However, it is vital to remember that the blame for this decision should not be pointed at local government, which is forced to deliver the cuts imposed by the Government. That is called passing the buck.

I remind everybody here today that the austerity agenda was and still is an ideological choice. Since 2010, this Government have underfunded all our public services, while continuing to hand out tax cuts to the very wealthy and large corporations. We never hear much about that. It is this Government who have actively chosen to reduce the capacity of fire services to keep communities safe across the UK. At the moment, all we ever hear about is Brexit. It is high time that we started to look at some of the serious things happening in this country, including having a fire service that is fit and prepared for the 21st century, which keeps our firefighters and our communities safe and well.

10.30 am

The Minister for Policing and the Fire Service (Mr Nick Hurd): It is a huge pleasure to serve under your chairmanship, Mr Hosie. I start in a traditional and sincere way by congratulating the hon. Member for North Tyneside (Mary Glindon) on securing the debate. She spoke extremely sincerely, as is her way. I know that she believes every word that she said and the fact that she is accompanied by nine fellow Members from the area tells its own story about their strength of feeling. I wholly respect that and I have listened very carefully. It is in part testament to the lobbying skills of the chief fire officer, Chris Lowther, who has certainly felt the love of his MPs this morning.

Clearly, there is a keenly held local view about the importance of making sure that the fire service is properly resourced and equipped to do its extremely important work. Given the seriousness with which the case was presented, I am very happy to meet the chief fire officer and talk it through, as was suggested. As the hon. Member for Sunderland Central (Julie Elliott) observed, I have been responsive to representations from Tyne and Wear in the past, in relation to the overpayment of the pension top-up grant, where we reached a settlement that was designed to be helpful.

That recognises, in part, the fact that Tyne and Wear has had a more challenging settlement than other fire authorities over this spending review period—I have been candid about that. Spending power has been reduced by 2% over the spending review period, compared with a 0.3% increase for stand-alone fire and rescue authorities as a whole. Having reviewed the figures, Tyne and Wear will see the fourth largest reduction in core spending power, after the Lancashire, Cleveland and West Midlands fire authorities. I recognise, not just from the strength of feeling in the room, that the past few years have been challenging as a result of the spending review settlement that flows from the way in which the current funding formula works. I recognise the challenge, I have tried to help with the pension top-up grant, and I am more than happy to sit down with Chris Lowther and talk through the issues.

I will now talk about the future. We need to have some perspective on this and try to avoid excessive language, scaremongering or unsettling residents. We are talking about a fire authority whose core spending power this year has increased by 0.8%. A reduction of 2% over the spending period is not an enormous proportion. I think it is important to put this into the context of other organisations that have seen their levels of income fall, as well as the scope to improve efficiency. That applies to almost every organisation in the public and private sector. Labour MPs did not talk very much about efficiency—on the whole, they do not tend to—but we will have a better view about Tyne and Wear’s efficiency as a result of the independent inspection, which will be happening shortly.

Various Members talked about reserves. I do talk about reserves, because this is public money and there needs to be accountability and transparency around it. To be fair, Tyne and Wear has published a reserves strategy, which is quite clear. Across the system, the simple truth is that financial reserves held by single fire and rescue authorities increased by over 80% between March 2011 and March 2018 to £545 million. That means that across the system fire authorities are sitting on reserves worth 42% of their core spending power. In the context of the public hearing “cuts, cuts, cuts” and “we are short of cash”, the system has actually increased its reserves, which can be done only if there is flexibility. Those reserves of 42% of spending power compare with an average in the police system of about 13% or 14%. I feel absolutely entitled to raise the question about reserves.
Mrs Hodgson: The Minister is talking about the reserves overall, for all the fire and rescue services. He says he has seen the reserve situation for Tyne and Wear. Does he acknowledge that although there may currently be £28.5 million, 86% of that money is earmarked to meet key, specific financial risks? Does he also acknowledge that in four years’ time those reserves will be down to £11 million, so they cannot be used? That money can only be used once and the authority is spending it, so it will only be left with reserves of £11 million in four years’ time.

Mr Hurd: My point is specific to Tyne and Wear: I am pushing back on the assertion that fire and rescue authorities have been starved of cash, as the fire and rescue authority is sitting on reserves worth 52%. That is the figure for Tyne and Wear—52% of spending power. There is a lot of talk about this money being earmarked. Let us be clear that anything above general reserves represents active choices made by the fire and rescue authority and the leadership. Those are the active choices that they make. Looking at the numbers, that includes £6 million now for the transformation reform reserves, a capital development budget—these are active choices that they are making. It is public money. The simple point I make is about the need for greater accountability and transparency.

That does not in any way detract from the need to revisit the fair funding formula and the comprehensive spending review, which is what I want to address. I have been challenged on reserves and I am explaining that this is constituents’ money—public money—sitting in reserve. The public have a right to understand how that money is going to be spent to improve the service to them. I would struggle if anyone could challenge that premise.

Liz Twist: Would the Minister agree that it is right that, when looking at its reserves, a fire authority considers all of its commitments, to ensure that it can meet its forthcoming requirements? As he said, the Tyne and Wear fire and rescue service has been explicit in setting out what the reserves are for. There are reserves that are committed and need to be put to specific uses. Some of it is about capital replacement and some is about underpinning the integrated risk management plan, to make sure that we are as safe as possible. Talking about reserves is great, but we need to make sure that those reserves are being applied properly. We have all asked questions about the reserves and we believe that they are being used in a sensible and appropriate manner, to support the service going forward.

Mr Hurd: The point I am making is that levels of reserves are high, and in the past there has been insufficient accountability and transparency around their use. We are in a different place now, as a result of changes that we have pushed for, but reserves in this system have increased since 2011, even though the Labour party has committed and need to be put to specific uses. Some of it is about capital replacement and some is about underpinning the integrated risk management plan, to make sure that we are as safe as possible. Talking about reserves is great, but we need to make sure that those reserves are being applied properly. We have all asked questions about the reserves and we believe that they are being used in a sensible and appropriate manner, to support the service going forward.

In the context of perspective—I hope I am not misrepresenting the hon. Member for North Tyneside—I would not want the people of Tyne and Wear to feel that they are getting a bad service from the current fire service. The hon. Lady talked about “a high level of service”. I think that she is right and, looking at the data, I would certainly like to add my voice to those congratulating the firefighters and the fire service in the area, not least for their work in reducing the number of dwelling fires in the area by 9% during the past five years.

Mary Glindon: On that point, let me make it clear that the service given by Tyne and Wear fire and rescue service is the best possible service that we could expect, and that it will always strive to provide that. Only the finances are a problem. It would never be classed as a bad service, by me or by anyone else.

Mr Hurd: No. I made the point only because I would not want the people of Tyne and Wear reading about this debate in the local newspaper to have any sense of, or have, a lack of confidence in their fire service as a result of representations made by their Members of Parliament.

Let me address the heart of the issue, and subject of this debate, which is the integrated risk management plan that the fire authority is putting forward, and make several points. In case residents were not aware, the authority is required to do that. It is regular business for fire authorities: they are required to produce these plans and show how they plan to respond to a range of emergencies on the basis of risk assessment and management for their locality. Quite rightly, the plans are based on the professional and expert advice of senior fire and rescue officers and are made in consultation with local communities. The fire and rescue national framework requires authorities to produce a plan that reflects up-to-date risk analysis, including assessment of all foreseeable fire and rescue-related risks.

I point out that the Tyne and Wear reserve strategy makes it clear that the actions proposed in the current IRMP, and which are being consulted on, represent a review of organisational changes required by the authority to operate more effectively—its language, not mine. That is the context for the plan. It is not laissez-faire but a fact that it is not the position of the Government to have a view on the efficacy of the plan. It is for local experts to draw up these plans, although over time, with the new independent inspection regime that we have introduced, all of us will have a clearer picture by being able to compare the operational effectiveness of individual fire authorities in a way we have not been able to in the past. It is not for me to have a view on whether this is the right or the wrong plan. To repeat the point made by various Members of Parliament, it is for local people to have a view.

Therefore, I wholly support and endorse the messages about the constituents of Tyne and Wear MPs being encouraged to engage with the consultation. If there are concerns about the length of the consultation period and the consultation running over Christmas, they need to be listened to very carefully, because this is a vital public service. Clearly, uncertainties and concerns are being raised by MPs about the changes, so constituents need to be aware and need to engage with the exercise. To repeat the point made by the hon. Member for North Tyneside, it needs to be a proper public consultation.

Let me make a bigger point, in relation to the future funding. I have recognised that Tyne and Wear has been challenged by the last spending review. I need to make
this point at the start, because there is a point of differentiation to be made. I am not tribal at all, but I cannot let comments stand from at least two contributions to the debate. Austerity is not a political choice; it is not ideologically driven. The idea that Conservative MPs went into politics deliberately to reduce public expenditure is deeply insulting. The idea that austerity is somehow disconnected from the actions of the last Labour Government and our inheritance of the largest peacetime budget deficit is absolutely disingenuous. The public are not fools and should not be treated as such. I am absolutely committed to ensuring that the fire service is properly resourced, while continuing to challenge it to be more efficient and to modernise and do all the things that we expect of a modern public service.

Mr Alan Campbell: Will the Minister give way?

Mr Hurd: There have been concerns about whether the Home Office is somehow detached from the process. I can assure the right hon. Member for Tynemouth (Mr Campbell) that we are not. Fire funding is part of the local government settlement, and that situation is not unusual: lots of health and education funding comes through local government. However, it is the Home Office that is responsible for the fire budget at the spending review and it is the Home Office that is working with the sector to update our understanding of demand and risk and to identify the evidence that we need to take into discussions on the next funding settlement. I am absolutely determined to ensure that our fire service has the resources that it needs, while continuing to be robust in challenging it on efficiency reform.

Mention was made of Grenfell. I am the Minister for Grenfell victims. That has been a huge part of my life for the past 18 months. One has only to listen to the podcasts from the public inquiry and hear the evidence of firefighters to understand what they had to work with and through on that night, in the most terrible of conditions. I have the deepest admiration for the work that they do and I want to be absolutely sure that they are properly supported by means of a proper understanding of the demand and risk that is in front of us, the past not necessarily being a guide to the future.

The fire funding formula is being reviewed, along with all other local authority formulas. The Ministry of Housing, Communities and Local Government will shortly publish a consultation document on the review of local authority formulas. We have been working with the sector to understand what the new cost drivers for a new fire formula should be, and I strongly encourage Tyne and Wear fire and rescue authority—I will make this point directly to Chris Lowther—to get involved in that process and respond to the consultation. The review will also look at how council tax is used to produce funding allocations. MPs and fire authorities need to engage with the process. That work is imminent. We must engage with it and get it right.

That takes us to the comprehensive spending review. My right hon. Friend the Chancellor of the Exchequer has cancelled that. Austerity is coming to an end. However, I understand [Laughter.] There is laughter from MPs, but they laugh at their peril, because cuts are very much a consequence of the actions that they took when they were in power. Austerity has meant tough choices and sacrifices being made, not least by people working in the public sector. We all want to move on from that. The CSR is the right place for that and the right place to ensure that the fire service is properly resourced for the critical work that it does.

I want to close with a point that is not central to the debate, but which was made by the hon. Member for Washington and Sunderland West (Mrs Hodgson) and is very important. We are talking about supporting the fire service. It is absolutely unacceptable that our emergency workers, including our firefighters, should be subjected to abuse, assault and attack. Given the risks that they take on our behalf, that is absolutely unacceptable, and the strongest possible message about that needs to go out from this place. That is why I was so pleased, in an age of tribal ding-dong, that there was strong cross-party support for the Bill that became the Assaults on Emergency Workers (Offences) Act 2018 and the signal that that sends to the courts on additional protection and powers to deal with violence against emergency workers. We did good work on that measure to send that signal about how completely unacceptable it is to attack and assault our emergency workers.

There have been strong representations from Tyne and Wear. Of course I will sit down with the chief fire officer to discuss the issues in more detail. We do feel that the fire service has the resources that it needs. This is a case of stable funding alongside efficiency. I totally recognise that Tyne and Wear had a tougher settlement than most. In relation to the integrated risk management plan, I urge constituents from that area to get fully involved and engage with it. I give my undertaking to ensure that, in the reviewing of the funding formula and in the CSR, this Government will continue to ensure that our fire service has the resources that it needs.

Stewart Hosie (in the Chair): I call Mary Glindon for a brief winding up of the debate.

10.49 am

Mary Glindon: Thank you for your chairmanship, Mr Hosie. I thank all my colleagues who have taken part in the debate. Every local authority in Tyne and Wear has been represented in the debate, and I think that everyone has spoken with one voice in support of our fire services and our fire authority. They have also spoken with one voice in expressing concern about the fact that our fire services might be in jeopardy in future. I am truly thankful for the compelling cases that have been made, because we have shown that we know and care about our fire services, and what they mean to the safety of each of our constituencies, and to Tyne and Wear as a whole.

I thank the Minister for concurring on the need to support our fire services when they are under attack, and for recognising how disproportionately Tyne and Wear has been affected by recent cuts. We will have to agree to disagree about the reasons for austerity. We will never change our mind and, sadly, I do not think the Government will change theirs. However, I am hopeful that if austerity comes to an end, we will see better funding, after all the consultations and reviews. Christmas is on its way and perhaps that is one of the things we all wish for. I do not wish to be flippant, but we cannot emphasise enough how important this is to us and how
concerned we all are that we get this right, and that the people in Tyne and Wear, as well as our firefighters, are kept safe and sound in future.

Question put and agreed to.

Resolved,

That this House has considered the proposed new integrated risk management plan for Tyne and Wear Fire and Rescue Service.

10.51 am

Sitting suspended.

Universal Support: East Suffolk

11 am

Peter Aldous (Waveney) (Con): I beg to move,

That this House has considered universal support in East Suffolk.

It is a pleasure to serve under your chairmanship, Mr Hosie, and I welcome the Minister. The Government set up the universal support system to assist universal credit claimants in making claims and managing the payments they receive. The full roll-out of universal credit in Lowestoft, in my constituency, started in May 2016. Shortly afterwards, under the leadership of Waveney District Council, the East Suffolk universal credit support partnership was created to provide universal support in east Suffolk, in the area covered by Waveney District Council and Suffolk Coastal District Council, which are due to merge next year.

From 1 April 2019, the service in its current form will be discontinued as a result of the Government’s decision to award a national contract for the delivery of universal support to Citizens Advice, which was announced on 1 October. I have no criticism of Citizens Advice and the great work it does locally and nationally, but I am concerned as to why the change has been made and whether it is in the best interests of universal credit claimants in east Suffolk.

From the start, the roll-out of universal credit in Lowestoft has not been straightforward. Many people, often the most vulnerable in society, have been put under enormous pressure and have faced major difficulties in getting by day to day. Local Department for Work and Pensions staff have risen to the major challenge and have acquired new skills to work with people in a completely different way than they did in the past.

The roll-out is a massive task, which local DWP staff cannot deliver on their own. The East Suffolk universal credit support partnership has provided vital support to universal credit customers. The partnership has brought together various organisations, including Citizens Advice, jobcentre managers, the Anglia Revenues Partnership, the local housing department and housing associations, to support universal credit customers and local communities.

At the outset, the partnership identified barriers that needed to be removed and challenges that needed to be addressed. The barriers included the difficulties associated with managing a single monthly payment, the challenges that many claimants face in accessing a digital system, and meeting the requirements of households with complex needs. The challenges that needed to be addressed were an increase in rent arrears, private landlords consequently not accepting universal credit tenants, and managing a potential increase in homelessness.

As well as more access points, the partnership has provided personal budgeting, assisted digital support and special disability advice. With a large amount of private rented sector housing in Lowestoft, proactive work with private landlords has been vital in addressing their concerns about universal credit. There have been quarterly meetings, workshops and regular phone and email contact.

The general feedback is that the partnership has been successful in helping people with the transition from legacy benefits to universal credit. Earlier this year, the partnership won silver at the public sector transformation
[Peter Aldous]

awards in London. The partnership has also been proactive in considering how the system could be improved. It has just funded a behavioural insight project to look at how nudge techniques could be used to increase the take-up of personal budgeting support ahead of managed migration and full service roll-out in the rest of the Suffolk Coastal area. Such an innovation would not have happened without local authority support.

Despite all that good work, on 1 October, Waveney District Council received a letter from the DWP advising it that, as from 1 April, it would no longer deliver universal support, and that Citizens Advice would do so from that date. It is disappointing that the council received that letter on the same day as the public announcement by the DWP regarding the new partnership with Citizens Advice and that there was no prior notification. Moreover, six months’ notice gives the council very little time to manage and prepare for the new arrangements. It will have to bring to an end its council very little time to manage and prepare for the new arrangements. It will have to bring to an end its

The ending of the partnership will have a significant impact across east Suffolk. Partnership agreements with third parties at its own cost, for which it has not been able to budget.

The draft model of universal support that Citizens Advice has developed looks very thorough. It goes above the assisted digital support and the personal budgeting support that is currently offered and that is central to the current package. There is some upset in the council that it has been criticised for not providing such a service, although it points out that it was never asked to do so.

The Citizens Advice offer includes a full advice and support service, as well as triage, call centres, face-to-face support, identity verification preparation for customers, and webchats. That is welcome, but as I have already mentioned the concern as to how viable this service will be, given the level of funding provided to Citizens Advice.

Nationally, the feedback I am receiving is that the quality of universal support across the country as a whole until now has been variable. The roll-out of universal credit in local areas—at the coalface—right across the country has been variable. The roll-out of universal credit goes as smoothly as possible. The Citizens Advice offer includes a full advice and support service, as well as triage, call centres, face-to-face support, identity verification preparation for customers, and webchats. That is welcome, but as I have already mentioned the concern as to how viable this service will be, given the level of funding provided to Citizens Advice.

Nationally, the feedback I am receiving is that the quality of universal support across the country as a whole until now has been variable. The roll-out of universal credit has presented many challenges to everyone involved, which is certainly the case in Lowestoft. However, the one ray of light in Lowestoft, and one source of hope, was that local government and local charities had put in place a system of universal support that was an exemplar that could be replicated elsewhere, in line with the “test and learn” approach that the DWP recommends.

The fact that this system is being dismantled in a seemingly hasty way, and with no prior notice, is very disappointing. Local support requirements are best decided locally and not through a top-down, one-size-fits-all approach. I ask the Minister to take on board the concerns that I have outlined, which reflect local exasperation and disappointment. In future, the Government should work more closely and collegiately with those who have the task of rolling out universal credit in local areas—at the coalface—right across the country. They have a responsibility and a duty to universal credit customers to do that.

The Minister for Employment (Alok Sharma): It is a pleasure, Mr Hosie, to serve under your chairmanship for, I think, the first time.

I thank my hon. Friend the Member for Waveney (Peter Aldous) for securing this important debate. He is a real champion of his local community, and he continues to raise issues in the House that are important not only
to himself and his constituents but more widely. I completely understand that he wants to ensure that his constituents receive the support they need in the welfare system and, if required, further support to help them into work.

Yesterday, my hon. Friend and I had the pleasure of attending and speaking at the Give Us a Chance annual reception in Parliament, where the organisation launched its Communities that Work campaign to help even more social housing tenants into work, and I was very pleased to attend that event with him. Of course, across the Department of Work and Pensions network we already have jobcentres working closely with housing associations to support people in gaining new skills and to help them into work.

Let me turn to universal credit more widely. As my hon. Friend noted, universal credit rolled out in his area in 2016. I was very pleased to visit his local jobcentre in Lowestoft with him in September, and like him I was impressed by the commitment of the staff. In fact, I pay tribute to him, and I thank him and his staff, for the very real and positive interaction he has had over a long period with his local jobcentre.

My hon. Friend talked about issues that arose regarding the delivery of universal credit in his constituency in 2016. However, I hope he will also acknowledge that, over the last couple of years, we have made changes—positive changes—in supporting people on universal credit. I will just outline a few of those changes before moving on to talk in more detail about universal support, which I know he is keen for me to discuss.

In the 2017 Budget, we announced a £1.5 billion injection for universal credit. That came in earlier this year and meant that the seven-day waiting period before the activation of a universal credit claim was abolished. Also, advances of up to 100% of the estimated payment at the end of the first period are now available, interest-free and repayable over 12 months—that will be extended to 16 months in the future. There is also a two-week run-on of housing benefit, which is money that does not have to be repaid and that helps people who are currently receiving housing benefit with their cash flow.

In the Budget a few weeks ago, another net £4.5 billion over the scorecard period was injected into universal credit. I will pick out just two items. The first is that work allowance is increasing by £1,000 from next April, over the scorecard period was injected into universal credit. I will pick out just two items. The first is that work allowance is increasing by £1,000 from next April, which will assist 2.4 million families. Secondly, as part of the managed migration process that my hon. Friend mentioned, there will be the two-week run-on of out-of-work DWP legacy benefits, which will assist around 1.1 million people.

My hon. Friend talked about the direct payment of rents. I know that he will welcome the fact that we now have the landlord portal in place. It was co-designed with a number of housing associations and allows for direct payments to social housing providers. By the end of this year, around 90% of all social housing stock will be covered by the landlord portal. Of course, work has also gone on to ensure that those who are in the private rented sector are also able to have their rent paid directly to their landlord, if that is appropriate. In addition, up to 85% of childcare costs are covered under universal credit, and it has been possible since earlier this year for individuals to upload information about those costs, so the process is much more efficient.

I hope my hon. Friend will agree that we have listened and acted to improve the system. He wrote to me some weeks ago, and I owe him a response, but I wanted to attend this debate and hear any further comments that he quite rightly wanted to make before I responded. If I am not able to give him satisfaction with my answers today, I will make sure that I do so in writing to him in the next few days.

Let me turn to universal support. I agree with my hon. Friend that it is an incredibly valuable service, particularly when it is delivered in the right, targeted way. Since 2017, universal support has been delivered by individual local authorities. Some of them have chosen to deliver this service directly themselves; some—around a third of local authorities—have chosen to outsource the service to third parties, such as Citizens Advice. I believe that certain local councils have set up a model whereby Citizens Advice takes the lead in providing personal budgeting support.

Although I appreciate that some local councils are doing good work in the area of universal support, provision across the country is, if I may say so, mixed. My hon. Friend highlighted all the good work that has been going on in his local area, and of course I commend that work and all the key stakeholders who have been involved in it. I will come on to say how they can perhaps continue to work together.

However, based on the information we have received from local authorities across the country, take-up of universal support in 2017-18 was around 30% of what the DWP had forecast it would be. Clearly, what we needed to ensure, and what we want to ensure, is that we have a system in which more people receive this support and that we reach out and assist the people—particularly the vulnerable—who ultimately need it. My hon. Friend referred to the need for us to reach out to those who are particularly vulnerable.

I will just set out how the Department took this decision about the new partnership with Citizens Advice. As my hon. Friend and others will be aware, for some time now key stakeholders have been quite vocal that, in its current format, universal support was not delivering on its aims and that claimants were ultimately missing out on this key support. More recently, the Work and Pensions Committee opened an inquiry into universal support, and I provided it with oral evidence in July. The Committee has since published its report, and the Department will of course respond to all the points it raises.

In recent months, Citizens Advice and a number of other charities, think-tanks and MPs have shared evidence with the Government showing that the type of support available, and how people can access it, differs depending on where people live. As the Government have continued this “test and learn” approach to universal credit, the design of the support has needed to change.

As my hon. Friend pointed out, it was announced on 1 October that from April 2019 Citizens Advice will deliver a more comprehensive and consistent support service, independent of Government, to help ensure everyone can access the support they need to complete a universal credit claim, no matter where they live. Of course, the DWP maintains close partnerships with local authorities in many areas—for example, in identifying customers with safeguarding, housing and health needs, and in initiatives such as troubled families support.
Local authorities are funded for the current year to deliver universal support, and they will continue to do so until the end of March 2019. I raise this point because my hon. Friend asked what would happen in future years. The grant agreement for local authorities is only ever for one year, and there should not necessarily be an expectation that funding will continue beyond this year of allocation. Citizens Advice has been asked to run alongside the arrangement that local authorities currently have in place to get up to speed, so that it is ready to deliver from 1 April with no gap in service provision. My hon. Friend raised the issue of funding for next year. Some £39 million will be provided to Citizens Advice, and money is also going in this year to help it get up to speed.

Local Citizens Advice already has strong working relationships with key partners such as local authorities and housing providers, and will be working closely with them as the service is launched. Citizens Advice will build on where good practice exists, such as local good partnership working. From the perspective of Citizens Advice, it is of course independent of Government, but as my hon. Friend pointed out, the Citizens Advice in his area has strong working relationships with key partners. I certainly expect that it will work closely with those key partners as the service is launched, and build on where good practice exists, including local good practice.

The Work and Pensions Committee put out its report on universal support on 28 October this year, and I will read a short extract from it:

“The Department’s announcement that the contract for Universal Support will pass to Citizens Advice and Citizens Advice Scotland in 2018/19 and 2019/20 will help take pressure off already-stretched local authorities.”

My hon. Friend talked about what will happen beyond that period. Clearly, we will look to see how the partnership we have in place with Citizens Advice progresses. I completely appreciate that, as we move into managed migration, we need to make sure we have an offer that is robust and sufficient to assist people.

In conclusion, the Department for Work and Pensions wants the strong partnerships with local authorities to continue. We want universal support to be delivered well and consistently across the country, and I certainly expect there to be continued local working between Citizens Advice and other key stakeholders on the ground. For me, this is the start of a conversation with my hon. Friend, and as time progresses and Citizens Advice develops its partnerships nationally and locally, I will be happy to continue this dialogue. As I said, I will, of course, write to him in the coming days about any of the points that I have not been able to answer.

Question put and agreed to.

11.24 am

Sitting suspended.
and its legacy. Indeed, Fenton and Fenton Manor in my constituency were already closed before Beeching began his report. Trentham, Meir and Normacot were lost as a direct result. Today, the only station to remain open in my constituency is Longton.

Unlike most other parts of the country, north Staffordshire has not seen any reversals of these cuts. Indeed, in May 2004, further stations closed at Wedgwood and Barlaston, though allegedly, 14 years later, these are still only temporarily closed. They are, I believe, the only stations nationally on the definitive map that do not have any services stopping. That is despite seeing significant new housing growth in the area and being sat next to the world-renowned tourist destination that is World of Wedgwood. At Etruria, the so-called Strategic Rail Authority got rid of the station altogether, crushing any suggestion that it might be reopened to serve constituents travelling from stations such as Longton to Hanley and Newcastle-under-Lyme.

These days, fortunately, Stoke-on-Trent is on the up. It is a city enjoying a modern industrial revolution. It is now one of the fastest growing and best places to start a new business in the UK. Traditional industries have been reborn, with some of our key ceramics manufacturers growing by more than 50% over the past few years. We are more than just ceramics; manufacturing more widely is booming in the city, making up a significant share of the economy. There are also significant advances in high-tech, digital and research. There is an increasing vibrancy in the wider area, with two universities—Keele and Staffordshire—both growing, one based right outside Stoke-on-Trent station. The city is increasingly a hub for logistics operations, and our industrial heritage has catalysed a burgeoning tourist industry.

As a result, our growing city’s roads are increasingly congested, as are many throughout much of north Staffordshire and across the wider economic sub-region. A revival of rail travel is not only sustainable, but essential and will further help to catalyse new housing and jobs growth without worsening the misery of road congestion.

However, while we bridge the northern powerhouse and midlands engine, in rail terms the city and the wider economic sub-region of north Staffordshire and south Cheshire sadly often fall between the stools of meso-level devolved authorities around Greater Manchester and Greater Birmingham. This unaccommodating situation is exacerbated by Stoke-on-Trent’s geographical position on the Network Rail map. The city appears as a kind of bottleneck between Network Rail areas. It is in fact split across two Network Rail devolved areas, with two thirds in London North Western and a third in London North Eastern. That is totally illogical, and there is no clear leadership provided across the north Staffordshire conurbation. Currently there is no scope for the city to enjoy remapping and franchise transfers of local services to a more Stoke-on-Trent-focused body or company, as was suggested in the case of local Birmingham services from Nottingham and Leicester and the move from CrossCountry to West Midlands Rail.

Things are moving in the right direction, and it is encouraging that Network Rail is now considering a route focused specifically on economic growth of north Staffordshire and south Cheshire, recognising the importance of developing plans that adequately satisfy future growth demands.

Paul Farrelly (Newcastle-under-Lyme) (Lab): I do not know whether the hon. Gentleman is going to make this point, but while we had phenomenal and welcome investment in the Virgin west coast main line upgrade under the Labour Government, one of the consequences was that local services deteriorated because fewer services could be run while the faster trains were going along the route.

Jack Brereton: I thank the hon. Gentleman for that. It is very true of stations that I have already mentioned. Etruria, Wedgwood and Barlaston all lost services as a result of those changes, so I would agree with him.

I am especially delighted that we will be receiving investment from the transforming cities fund, which I hope will take forward much-needed improvements locally. That includes Stoke-on-Trent City Council’s Stoke station masterplan, which sets out the ambition to transform the station, vastly improving capacity and facilities; leveraging in significant new development in the wider area on the back of the improvements; ensuring that the station is ready to receive HS2 services; providing opportunities for additional local rail services; and making the main station the integrated hub it needs to be for the city.

It is certainly essential that more is done to improve the capacity and the offer at Stoke-on-Trent station. It is the main station that serves the Potteries conurbation of nearly 500,000 people, yet it has only very limited platform and concourse capacity, as well as poor-quality retail facilities. Improving our local transport infrastructure is a fundamental requirement for improving labour mobility in the city, increasing productivity and wage levels, and decreasing time lost to congestion. We need to ensure our railway corridor and its stations are fully connected with the towns that make up the city. In particular we need to connect Stoke-on-Trent station to public transport throughout the rest of the city and the wider conurbation.

A key part of the transforming cities fund will be to integrate bus services much more effectively with the main station, providing a more comprehensive public transport network. As an HS2 destination, we have great potential to multiply the growth we have enjoyed in rail travel to the city in the last 25 years and to ensure that all the communities that make up Stoke-on-Trent are linked into any future opportunities.

We should not limit our ambition. Light rail may also be part of the mix for restoring to Stoke-on-Trent some of the services we have lost and so better connect our communities. The line from Stoke through to Staffordshire Moorlands, which could serve Fenton Manor in my constituency, would be a good opportunity for that. Similarly, a future metro-style service could run through the conurbation from Blyth Bridge to Crewe to help relieve capacity and significantly improve services through the urban area.

Technology is moving on. Rolling stock is lighter and cheaper, and for restored routes there is the potential for rails that are longer-lasting and cheaper to run on. Alongside that, smart ticketing offers the opportunity to create a much more effective urban public transport network for the co-evolving conurbation. However, local rail services, as we see through Longton on the north Staffordshire Crewe-Derby line, are far from meeting current needs, never mind our future ambitions. I stress that all destinations
[Jack Brereton]

along the route are united in that cause. We regularly see people struggling to get on often single-carriage trains that run only once an hour, and local media have reported people having to get taxis due to trains being so overcrowded.

Despite that, annual passenger usage at Longton has doubled since 2009-10, and the station has higher usage numbers than commuter stations serving London, such as Dorking West, Morden South and Sudbury Hill. Indeed, they are not far short of the figures for Epsom Downs in the Secretary of State’s constituency. When I welcomed the Secretary of State to the city earlier this year, he travelled with me on the rush-hour commuter train from Stoke to Longton. I assure hon. Members that he did not enjoy that service, because of the cramped conditions. He could see for himself that overcrowding is a major issue, and I am happy that a specified requirement of the new East Midlands Railway franchise issued by the Secretary of State is for longer trains. We must ensure that that is delivered.

We also need the new franchise to deliver more frequent trains. One train an hour supersedes demand and the potential of the line. Midlands Connect recognises the potential for more frequent services, which would be transformational for our local economy and give more people confidence in rail services as a viable alternative to the car and our congested roads.

Enhanced Sunday services are especially important. We currently suffer from having only afternoon services, due to there being only one shift in signal boxes. There is also a strong case for extending the existing services beyond Derby and Crewe to Nottingham, Lincoln or Norwich in the east, and to Chester or Manchester airport in the west. The line once served such locations, only for them to be cut back. However, signalling improvements, particularly around Derby and Nottingham, have created additional paths to make that much more easy to achieve. Extending to Nottingham would have the desired effect of allowing people to transfer more easily to services further east, rather than having to change twice, as they do currently. When Crewe is redeveloped for HS2, it is imperative that through services from north Staffordshire westwards to Chester and Manchester airport are enhanced, not hindered.

It would be great if we could secure an accessibility project at Longton station as well, through Access for All funding. Platforms at Longton are accessed only by steps—an often insurmountable challenge for people with limited mobility. The bid that we have submitted would significantly enhance the station. It would help shoppers to get into the historic market town, which relies on customers and visitors getting there, and getting back with what they have bought. That would complement the Government’s high streets initiative, as I was happy to discuss with the Minister for high streets, who visited Longton earlier this month.

Local volunteers are making superb efforts to keep local stations clean and welcoming as part of the North Staffordshire community rail partnership. I know that the Minister will thank those volunteers for their dedication and hard work. In fact, I will be speaking at a meeting of the partnership’s sister organisation, the North Staffordshire rail promotion group, tomorrow evening. That group does excellent work representing rail users and promoting greater improvements to our local rail network. Its members hope that the frequency, capacity and reach of services to and from Longton and many other stations will be increased, and that new franchisees will work with Network Rail to progress the reopening of stations. Stations at Meir and Fenton on that line would be especially welcome to those communities, restoring important rail links and recognising the significant economic and housing growth in those areas since the stations closed.

If we are to successfully deliver further new homes and jobs, the need for reopened stations at Fenton and Meir will become irresistible. The reality is that the limited frequency of services on the line means that those stations could likely be reintroduced without much real impact to service patterns. Indeed, passengers from Fenton and Meir could help the line to thrive. I have lost count of the number of stations that, on reopening, have vastly exceeded the expectations of rail companies and the Department for Transport in attracting new people on to our rail network.

I now turn to the future of the wider rail network, to which Stoke-on-Trent is connected, and specifically to HS2. Local stations such as Longton need to be seen as key feeder stations for local HS2 traffic. Opportunities for employment and homes could be spread more widely, and the area could be a destination for tourists attracted to the authentic Potteryland landscape of potbanks, many of which are in Longton. The Secretary of State knows from his visit exactly how ambitious we are. The scale of rail improvements that we are seeking and planning for is, like HS2 itself, unmatched since the Victorian era. We are keen to embrace the opportunities of HS2, which has huge potential in terms of new homes and jobs growth, delivering a significant uptick for UK GDP, and the potential to move the city from being a net taker to a net contributor.

For that to happen, the Government need to be clear about the best future services pattern to meet projected growth, and to recognise the importance of upgrades on the conventional network to fully enable comprehensive, classic, compatible services to a wide range of destinations. Unless we have full integration of HS2 with the conventional network, we will fail to deliver the full benefits of upgrading our rail infrastructure. I am afraid that a number of bottlenecks will remain on the network post HS2, permanently affecting what is possible in terms of service. That is most pronounced going north to Manchester or Liverpool, where we are yet to see effective solutions from HS2 or Network Rail. Those organisations have not been working together effectively to develop meaningful solutions.

It is imperative that Stoke-on-Trent continues to enjoy regular fast services to London—at least one every half-hour, as we have now, or more frequently. HS2 compatibility should offer my constituents improved quality of services and journey times, and not diminish those. Any future redevelopment of Stoke station must take full account of the importance of delivering the full advantages of HS2, helping us to maximise both housing and commercial development across north Staffordshire, and fully seizing the economic opportunities that Stoke-on-Trent offers.

Frustratingly, the current proposal is for us to have only one HS2 train an hour, terminating at Macclesfield. I am afraid that really is not good enough. Of course, it
is welcome that we are to be an HS2-connected place. Although I would say nothing to denigrate the constituency of my hon. Friend the Member for Macclesfield (David Rutley), it is a reality that the majority of people will want to use high-speed rail to travel between the largest cities. I therefore urge the Government to focus on ensuring that proposed services go beyond Macclesfield and terminate at Manchester Piccadilly.

It is also essential to address the lack of fast, direct services between Stoke-on-Trent and Birmingham, to match the good-quality services currently offered between Stoke-on-Trent and Manchester. HS2 has the potential to address the severe overcrowding and poor connectivity currently experienced on that route. One HS2 service every hour from Curzon Street through Stoke-on-Trent and further north would help to relieve significant bottlenecks to the north of Birmingham, especially through Wolverhampton.

In addition, there is potential to improve connectivity further by providing new, direct, inter-city services that are currently lacking, such as between Stoke-on-Trent and Liverpool. Such a Birmingham service could do Curzon Street, Stoke-on-Trent, Crewe and Liverpool Lime Street. That would fully exploit the huge potential for economic growth from the Midlands engine and northern powerhouse initiatives, with Stoke-on-Trent being the key gateway to the north.

Smooth connectivity on services that run from Stoke-on-Trent is important. Trains should, as far as possible, minimise waiting times for those connecting from stations such as Longton. It is not uncommon to have to wait up to 50 minutes for connecting trains, simply because only one train an hour goes to stations such as Longton. Operators need to recognise the potential for substantial passenger growth from the city. Many current services are extremely overcrowded and in desperate need of an upgrade.

At present, the most significant problem is with CrossCountry trains through Stoke-on-Trent and Stafford, which tend to be four to five-carriage diesel multiple units. We really need to double that. Bimodal eight-carriage units would be able to meet the real demand on that route. Longer, more frequent bimodal trains on the Manchester-Bournemouth line through Stoke-on-Trent would also open the possibility of increased travel to Heathrow via Reading for Elizabeth line services.

Jeremy Lefroy (Stafford) (Con): I congratulate my hon. Friend on securing the debate and on his excellent speech. I entirely back him on all these issues, particularly on CrossCountry through Stafford and Stoke. I recently stood all the way from Oxford to Stafford because it was a four-coach train. That was not the first time I have had to do that; it happens pretty much all the time. Those trains obviously need to be doubled in size without delay.

Jack Brereton: I thank my hon. Friend for that comment. I totally agree. From travelling on those routes myself, I know that they are very overcrowded—in some cases, so overcrowded that I would say they are unsafe.

The northern end of the route between Stoke-on-Trent and New Street suffers particularly from significant overcrowding, which has a knock-on effect on the reliability of cleanliness and catering availability. It is also concerning that overcrowding on trains is creating safety issues, especially at New Street, where limited numbers of doors and small vestibule spaces are simply not designed to accommodate the large volumes of passengers changing trains.

There is also real potential to expand services east-west, either through the CrossCountry franchise or by allowing entrepreneurial open access operators on that part of the network, resulting in better competition. As I mentioned, the Crewe to Derby line has the potential to facilitate east-west services well beyond those that already exist. It is worth noting that the journey time from Liverpool to Nottingham is virtually the poorest between any major cities in the country. Midlands Connect demonstrates the potential to facilitate a new inter-city service that could connect Crewe to Totton, as well as connecting other east-west destinations via Stoke-on-Trent. Essential to that is redoubling the line between Crewe and Alsager, which is the only single-track section of the line and is widely recognised as a major constraint on service enhancement. That will prove particularly challenging once HS2 is operational, but I am pleased that Network Rail now recognises this challenge and understands that it is far from impossible to overcome.

I am delighted that the Department has announced the Williams review, a much-needed root-and-branch review of how our railways work today and how they should be reformed for the successful future of the dynamic, customer-focused and more competitive industry that we want to see nationally and locally. It should tackle the issues highlighted in the excellent work of Transport Focus. The fare-paying public want value for money, punctuality and a seat, all of which should be reasonable asks.

I make several asks of the Minister. Will he continue to support transport improvements in Stoke-on-Trent throughout the transforming cities fund and support for accessibility work at Longton station? Will he commit to ensuring that HS2 benefits the whole of Stoke-on-Trent and north Staffordshire, with improvements on the classic network to fully maximise the opportunities for Stoke-on-Trent? Will we get more services for Longton, new stations at Meir and Fenton on the east-west line that runs beyond the current artificial termini of Crewe and Derby, and franchises that provide longer, more frequent and better serviced trains and greater opportunities for open access providers to enter the market to enhance competition and better meet demand?

To achieve our potential, a new era of railway expansion is necessary. This is a national issue, but its local effects are particularly acute in north Staffordshire. I am delighted to have been able to outline many of the issues, and I look forward to the Minister’s response.

Sir David Amess (in the Chair): I call Paul Farrelly.

2.52 pm

Paul Farrelly (Newcastle-under-Lyme) (Lab): Thank you, Mr—sorry, Sir David. My glasses need adjusting, and so does my memory.

I applaud the hon. Member for Stoke-on-Trent South (Jack Brereton), particularly for his focus on once-functional railway stations in his constituency and for his call for light rail to go alongside bus improvements in his city, which lies next to my constituency in north Staffordshire. I will focus on something different: train operator Midlands...
Connect’s proposal to improve east-west and west-east rail services. That is important in itself, but the march of HS2 makes it crucial.

I was the first MP through the Lobby to vote against the HS2 extension from Birmingham to Crewe. It was largely symbolic, I admit, but there were two important reasons for it. First, at that stage the HS2 proposals largely bypassed Stoke-on-Trent. Without improvements, the lessons from overseas, not least from France, are hardly encouraging for areas bypassed by high-speed rail. Secondly, although we need more capacity, the driving motivation behind HS2 seems so often to have been for people to get out of London and back into it more quickly from north to south. Connectivity in Liverpool, Greater Manchester, Bradford, Leeds and across the north-west is frankly woeful, and it very much deserves the priority that it is now being given under the working title of HS3.

Newcastle-under-Lyme is one of the biggest towns in the UK—perhaps the biggest—whose centre is not served by a railway station. In most advanced economies in Europe, that would be not only an anomaly but totally unacceptable. My Conservative opponent in the 2017 general election, with whom I get on very well, placed a new mainline railway station for Newcastle at the heart of his campaign; I do not know whether he knew this, but across the patch it earned him the nickname of “Choo Choo”. It is an admirable ambition, and I would certainly love a new light railway station to restore Newcastle to its former glory, but I do not usually put “Dear Santa” requests at the heart of electioneering, either in times of austerity or otherwise, which is why I have never called for the Government to step in and build Newcastle a new castle. A realistic and proper priority is to vastly improve rail links between Crewe, Stoke and Derby and beyond, not least with HS2 on the horizon.

Anyone who has taken the slow, crawling bone-shaker of a ride from Stoke to Crewe well knows what I mean. It is a joke—but it is no joke. It takes up to half an hour to travel the 15 miles to Crewe and another 50 minutes or more to traverse the 35 miles to Derby. That is an hour and 20 minutes, if you are lucky, to travel 50 miles in this day and age—practically what it takes to get from Stoke to London.

As for the quality, I must admit that I once missed that service, despite arriving well in time. I remember it only too well: it was St George’s day 2015, not long before the general election, and I was going over to Derby. I sat innocently sipping coffee in the newish gourmet café at Stoke station, forgetting that the one-carriage service cannot be seen through the windows. I watched it slowly sliding out of the station without me as I wiped the froth of my cappuccino away. I was tempted to chase it to nearby Blythe Bridge station, but slow as the train is, there would have been no chance of making it through the peak-hour traffic jams of Stoke-on-Trent to catch it.

That brings me to my next point, which Midlands Connect’s scheme highlights. Improvement to rail services in north Staffordshire must go hand in hand with road improvements, not least in relation to HS2. Years ago, we had one great road improvement: the A50. I remember interviewing Stan Clarke, the local and legendary chair of St Modwen Properties, for The Observer 20 years ago in his boardroom at Uttoxeter racecourse. I asked him what the proudest achievement in his life was, and the answer came as rather a surprise: it was driving the A50 from the M1 to Stoke, because it made the land that he had gathered around JCB much more valuable. It certainly improved the journey, but it is now time for rail improvement in our area and on the other side of the city to go hand in hand with improvements to the roads.

Andrew Griffiths (Burton) (Ind): I am sure that the hon. Gentleman will therefore join me in congratulating the Government on the £50 million-plus that they have invested in road improvements on the A50 in Uttoxeter, which will make a big difference to all our constituents.

Paul Farrelly: I will congratulate any Government on any improvements in our area, but they must go much, much further.

Like many of my constituents in Newcastle, I live pretty much halfway between Stoke and Crewe. Driving at peak times to Crewe—where the new HS2 station will be, with more frequent services and with services to Manchester as well as London—means hitting huge jams around junction 16 of the M6. If the Government are to make the huge investment in HS2 work for our area rather than against it, it will demand sensible investment in other road and rail projects in north Staffordshire.

I congratulate the hon. Member for Stoke-on-Trent South on securing this debate and I commend Midlands Connect for its plans to upgrade services. I urge the Minister and the Government not just to listen, but to act and invest.

2.58 pm
Fiona Bruce (Congleton) (Con): As a Cheshire MP, I speak on behalf of residents of the town of Alsager, which my hon. Friend the Member for Stoke-on-Trent South (Jack Brereton) mentioned in his excellent speech.

Alsager station is just a mile from the Staffordshire border. The rail route from it passes through Staffordshire, runs to Stoke-on-Trent and beyond, and is served by the same rail companies: East Midlands Trains, London Northwestern Railway and West Midlands Railway. In his speech, my hon. Friendarked back to the days when many of the workers in the pottery manufacturing companies travelled conveniently to their jobs in the Stoke area, including from Alsager. I think trains are particularly valued by Alsager residents for that reason. One wrote to me that

“Alsager residents value their trains, particularly as bus services aren’t brilliant, but there needs to be better communication between train companies and better links between stations.”

I will come on to the detail of that in a moment.

Earlier this month, I held a surgery late one evening at Congleton station. I was impressed, though not entirely surprised, that no less than 30 to 40 residents came along on a dark wintry evening. I know from my postbag that there are considerable concerns in my constituency about train services. Many of the points raised by residents at that meeting are echoed by residents in Alsager. They include a lack of joined-up thinking by rail companies on the services and timing of trains; trains are too infrequent and often overcrowded, and
they stop too early in the evening; and there is some confusion and a perception of unfairness about charges. Having held that surgery with Congleton residents, I now contribute to this debate on behalf of my Alsager residents.

I have four points, and I apologise if some appear to be somewhat technical in detail, but the detail of timing can make all the difference to a daily commuter, and the detail of charges can make all the difference to young people for whom finances are a big consideration. The main issue is that, with only two trains an hour each way from Alsager, they are timetabled too closely together—only five minutes apart. I have raised that with train operators to no avail, so I hope that the Minister might be able to do something. I know he is a very hard-working and earnest Minister, always smiling, whatever is put before him.

Here is an example of the problem: the 11.11 am from Alsager to Stoke is followed by the 11.16 am from Alsager to Stoke, provided by a different service. The next train is at 12.11 pm. The trains that arrive close together from Crewe can also cause problems for cars and congestion at the barriers at Alsager, because the barriers can be down for 10 minutes or more. Passengers who aim for the later of the two trains, but arrive a little short of time, albeit with enough time to make their train, can be stuck on the other side of a barrier that has been down since the earlier train, and they miss their train.

My second point is on ticket pricing. An advance single ticket from Stoke to Manchester can cost as little as £6.10, but an anytime ticket from Alsager via Crewe, which is two stops closer to Manchester, costs £12.70. I asked the young person who raised this with me, “Can you not buy an advance ticket from Alsager?” They said, “Yes, technically you can buy an advance ticket from Alsager to Manchester, but it is not economical. You buy the £6.10 advance ticket from Stoke to Manchester, and to make use of that, you pay £5.10 to travel two stops back on the line from Alsager to Stoke.” The difference in price for a young person travelling regularly is a big one.

My third point is about the lack of connectivity and joined-up thinking. To get from Alsager to Congleton on the train, a passenger would have to go via Stoke or Kidsgrove. I drive that in about 10 minutes by car, but travelling by rail can involve long waits for connecting trains. The connecting trains are not well timed or organised. I apologise for the figures here, but to get to Manchester, National Rail recommends the 11.16 am to Kidsgrove, which is one stop further away from Manchester, which gets in at 11.21 am; there is then a 40-minute wait for the 12.03 pm to Manchester. The passenger might as well drive to Kidsgrove and park there—if they have a car. Again, that is not always practical for young people. Alternatively, there is a 24-minute wait at Crewe station, but the ticket is about £1 more expensive, so it is cheapest and quickest to pay £5.10 to go two stops back to Stoke, then catch a quicker and cheaper £6.10 train to Manchester from there. That is all too confusing unless someone is very familiar with the way the trains work.

My fourth and final point relates to a promise made in August 2017, when a West Midlands Rail spokesman said:

“The new franchisee, West Midlands Trains Limited, will continue to run direct services to London from Stone, Kidsgrove, Stoke-on-Trent and Alsager.”

Alsager passengers all hope that they will still be getting the service in December this year—three days’ time—as suggested then. The franchisee representative continued:

“The only difference from December 2018 is that these services will go to Euston via...Birmingham...rather than Tamworth and Lichfield on the Trent Valley Line. The change of route for London bound services so they run through the heart of the West Midlands Conurbation follows a major public consultation in 2015 where the majority of passengers said they wanted more trains from Stoke, Kidsgrove, Stoke-on-Trent and Alsager to Birmingham.”

My constituents tell me that not much has been said about that since then. It would be very helpful to know whether the service to London is going to go ahead in three days’ time.

3.6 pm

Ruth Smeeth (Stoke-on-Trent North) (Lab): It is a pleasure to serve under your chairmanship, Sir David. I congratulate the hon. Member for Stoke-on-Trent South (Jack Brereton) on securing such a timely debate.

North Staffordshire is perfectly situated in the centre of the country, and we currently benefit from good direct lines to both Manchester and Birmingham, as well as an excellent service to the capital, but while those connections to other major economic hubs remain strong, beneath the surface there is another story, which Members have already touched on. Lack of capacity on certain routes and historical under-investment in our smaller local stations has left the Potteries with a rail system that does not always meet the needs of travellers and commuters. Those limitations have a knock-on effect on our local economy, and with our tourism industry continuing to increase—who would not want to visit Moorcroft Pottery, Ford Green Hall or Burslem School of Art?—it is more important than ever that people can get to and from our city as swiftly and efficiently as possible.

The hon. Gentleman made particular note of the Crewe to Derby line. The lack of capacity on that route is a matter of regular complaints from my constituents. The size of trains, often consisting of just one carriage, is frequently insufficient to meet the needs of passengers. The problem is particularly acute at peak time for people working in and travelling to Derby or Crewe, as well as on race day, as revellers on the way to Uttoxeter find themselves squeezed shoulder to shoulder throughout the corridors and vestibules.

Capacity is also a problem on the CrossCountry service to Birmingham, Bristol and Bournemouth—a particularly expensive and appalling service. I do not want to rant about my own experiences, as that would be an abuse of the Chamber, but they have not been good. More importantly, my constituents are regularly subjected to spending the entire journey jammed into the vestibule with dozens of other passengers. That is made worse by incredibly poor customer service and a disgraceful attitude towards passengers from rail staff. On one occasion, my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell) and I were forced to intervene when staff refused to allow a heavily pregnant woman to sit in the only seat available, which happened to be in first class, to avoid the sweltering crush of an
over-packed vestibule, with people being forced to stand in the toilet. That was a shocking incident and one which, more than a year later, CrossCountry has never adequately responded to.

It is clear that capacity is an issue on the line, even on those more frequent services, but I wish to make another vital point about the under-investment in, and under-utilisation of, our smaller local train stations. One such example is Kidsgrove train station, a well-used local station that provides vital transport links with the wider area—although I am sad that some people have to travel back and forth, because everyone should visit Kidsgrove. In 2010, the station’s usage was 100,000 journeys per year; today it stands at 228,000. Despite the evident demand for a local transport hub, it has taken nearly a decade to secure the additional investment that residents have long campaigned for. At this point I must thank Jon Honeysett for his advice and support during the campaign.

When I was first elected to Parliament in 2015, one of my first acts was to meet the then Transport Minister to make clear the importance of the investment. At that time the issue had already been rumbling on unresolved for seven years, but at last the long-awaited improvements to the station have begun, and I want to put on the record my thanks to the hon. Member for Blackpool North and Cleveleys (Paul Maynard) for his direct intervention in support of the project. Work is now under way to improve and expand the station car park, which will include an hour of free parking for local residents to support the local town centre. The improvements to the access bridge, which will make it fully disability accessible, are on course to be completed by next summer. No one will now have to travel from Stoke to Crewe in order to come back to Kidsgrove to get off the train.

I am delighted that after years of campaigning, the investment was finally secured, but it is indicative of the Government’s attitude to transport infrastructure outside of the major conurbations that it took so long. Such lack of focus on the importance of smaller stations can also be seen when it comes to Longport station, located in Burslem in the heart of my constituency.

Burslem is the mother town of the Potteries and plays a key part in our city’s cultural renaissance; it is also a big draw for tourists visiting Stoke-on-Trent to explore our proud ceramic heritage. It is home to Middleport Pottery, a beautifully restored Victorian potbank and the home of the iconic Burleighware pottery. It is an architectural showcase of our town in its own right. It is also the station that serves Port Vale football club. Given Burslem’s obvious importance to our city, it would make sense to make greater use of Longport station as a way of getting people easily to and from the town, yet that station is served by only a small number of routes, including the previously mentioned Crewe to Derby line and one early morning service to Manchester. By improving connectivity within the six towns as well as routes in and out of the city, we could provide a huge boost for the local economy and begin to tackle the immense strain on our road infrastructure.

A truly effective public transport system is one that is tailored to meet the needs of local businesses and local residents. Currently, we simply do not have that. We should begin to make timetabling more responsive to people’s needs, not just with regard to the daily commute, vital though that is, but with an eye towards bringing more people into the local area, especially for major events.

In the summer I had the privilege of visiting the wonderful Weeping Window exhibition on display in my constituency. The installation attracted more than 100,000 visitors, but many more could have come if additional rail services had been offered to get people to and from Longport station. Sadly, given the Government’s long and depressing track record when it comes to infrastructure investment in the north and Midlands, I fear such improvements will be stymied. Despite years of talk about the northern powerhouse, the Institute for Public Policy Research North found that Government spending on transport in London has risen twice as much per person compared with the rest of the country since 2014. While London receives £1,019 per head in public spending on transport, the west Midlands receives less than half of that—just £412 per person. That imbalance cannot continue. Our rail services are vital to my constituents, but our transport infrastructure will achieve its full potential only when residents’ concerns about quality are matched by the Government’s urgency to invest.

3.13 pm

Andrew Griffiths (Burton) (Ind): It is an absolute pleasure to speak under your chairmanship today, Sir David. It is also wonderful to welcome the Minister back to the Department. It is particularly good for me that the hon. Member for Stoke-on-Trent North (Ruth Smeeth) talked about the Government’s record in investing in infrastructure. As I alluded to earlier, in my tenure as the Member of Parliament for Burton I have seen more than £50 million of Government investment in the A50 upgrade. I was also lucky enough to receive some £6.1 million from the Minister. When I went to him with a proposal to upgrade St Peter’s bridge in Burton, he listened carefully and considered the case that I put to him. He got out his pen and wrote a cheque for £6.1 million, which has made a huge difference to St Peter’s bridge and helps with traffic flow in and around the town.

Although I am the MP for the constituency of Burton, I represent both Burton and Uttoxeter, or, as the locals call it, Utcheter, and I rise today to speak about the problems of transport in Uttoxeter. The hon. Member for Stoke-on-Trent North mentioned Uttoxeter racecourse. Uttoxeter is famous for many things. It is the birthplace of Dr Samuel Johnson and those mighty yellow diggers, JCB. It is also the home of Uttoxeter racecourse, one of the country’s finest. As the hon. Member for Newcastle-under-Lyme (Paul Farrelly) said, it was formerly owned by Sir Stan Clarke. It provides a huge boost for the local economy in Uttoxeter. On midlands grand national days—if you ever fancy coming, Sir David, I would be delighted to host you—some 16,000 people descend on Uttoxeter to enjoy the fabulous hospitality provided by David MacDonald, who runs Uttoxeter racecourse, and his brilliant and dedicated team. With recent investment, the racecourse is going from strength to strength. We have regular meetings on Sundays that start at 1 o’clock. Racegoers are keen to attend the races, have a flutter and enjoy the day. With thousands of people wanting to attend, one would think they would be able to hop on a
train and arrive at the handily located train station right next door to the racecourse: a 30-second walk. However, the first train to Uttoxeter on a Sunday is at 2:30, which means racegoers have already missed at least an hour and a half of good betting. That causes the racecourse great concern and racegoers great frustration.

I have been campaigning for some considerable time for improvements in the service. The problems with the single-carriage train that rattles along have already been discussed. Clearly, there is no way that that service adequately serves the numbers of people that want to come to Uttoxeter to enjoy our hospitality. When the earliest train to Stoke from Uttoxeter on a Sunday is the 15.03 and to Derby the 14.54, it is simply not sufficient.

I have been banging that drum for some time and I had some good news. I am pleased to relay it to colleagues, who will be interested.

I wrote for the 20th or 30th time to the Minister’s predecessor and he wrote back in the summer to say that

“there will be an extra carriage (or carriages) operating on the route. This will be supplemented by additional early and late services and improved Sunday services.”

I was cock-a-hoop that the campaigning had led to a promise of increased services on a Sunday, so I wrote back to the Minister to see if I could winkle out a little more detail, and he wrote back:

“To clarify the position on Sunday services on the Crewe-Derby line, we have specified that an early morning Sunday service is to start from 2021.”

That is wonderful. Rather than, as we had hoped, modernised signalling facilities, what is being proposed is extra signalling staff to change the signals manually. That solution is very welcome. It will mean that my racegoers in Uttoxeter will be able to get there in plenty of time, perhaps to have a pint or two of Marston’s Pedigree, which is served at the racecourse, and enjoy the facilities. It will improve the service for residents in Stoke and Derby, too. Never completely satisfied, however, I have a question for the Minister: I am really pleased that the service is to be improved and that we shall benefit from that, but why wait until 2021? I urge the Minister to do as he did for me previously and get out his chequebook, and see whether he can bring the date forward a couple of years. Let us have a date of 2019. He can have his chequebook, and see whether he can bring the date back to 2019.

The earliest train to Stoke from Uttoxeter on a Sunday is the 15.03 and to Derby the 14.54, it is simply not sufficient. That is wonderful. Rather than, as we had hoped, modernised signalling facilities, what is being proposed is extra signalling staff to change the signals manually. That solution is very welcome. It will mean that my racegoers in Uttoxeter will be able to get there in plenty of time, perhaps to have a pint or two of Marston’s Pedigree, which is served at the racecourse, and enjoy the facilities. It will improve the service for residents in Stoke and Derby, too. Never completely satisfied, however, I have a question for the Minister: I am really pleased that the service is to be improved and that we shall benefit from that, but why wait until 2021? I urge the Minister to do as he did for me previously and get out his chequebook, and see whether he can bring the date forward a couple of years. Let us have a date of 2019 rather than 2021. If that happens, the Minister can come on the first service on a race day, and have a flutter with me. I will even give him a fiver for a bet.

I have met all three people who are bidding for the new franchise and have made the case for improved services. I think that if the Minister casts his beady eye forward a couple of years. Let us have a date of 2019 rather than 2021. If that happens, the Minister can come on the first service on a race day, and have a flutter with me. I will even give him a fiver for a bet.

I have met all three people who are bidding for the new franchise and have made the case for improved services. I think that if the Minister casts his beady eye over the bids and measures them against the requests that I have made for improvements in carriages, quality and punctuality, we can have an improved service. I know, given the rigour and commitment that he brings to his role, he will do that.

I have one further question before I conclude. It concerns the other of the two towns that I represent—Burton—and I want to talk about the station, maintained by East Midlands Trains. When I showed the former Under-Secretary, my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard), a picture of Burton train station he said it was the ugliest train station he had ever seen. He was being quite polite. It is hideous—an eyesore. The Prince of Wales would, I think, call it a carbuncle. It is important that the station, which is the gateway to Burton—and Burton is the gateway to the national forest—should be improved rapidly. We need to improve its aesthetics and quality. I am pleased to say that East Staffordshire Borough Council and Staffordshire County Council are committed to trying to improve the quality of the station, but we need a helping hand. May I ask the Minister whether he would be prepared to come to see for himself the wreckage that is Burton train station? Perhaps together we can put on a bit of pressure to make sure that Burton has the pretty and attractive train station it deserves.

3.22 pm

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op):

It is a pleasure to serve under your chairmanship, Sir David. In view of the time, I shall try to run through my comments at relatively high speed. Without wishing to repeat comments made by my hon. Friends and colleagues this afternoon, I want to reiterate three points of particular interest. I congratulate my constituency neighbour, the hon. Member for Stoke-on-Trent South (Jack Brereton), on securing this debate on matters of infrastructure and transport. I think that we speak with one voice about our city, as we all recognise the importance of such investment and what it can unlock for the economics of both the city and the wider North Staffordshire area.

Every Monday morning, my journey to Parliament starts at Stoke-on-Trent railway station. I can get on the 10.12 train and pretty much be in Portcullis House just after midday. That is a two-hour door-to-door journey. It is a fabulous journey time, considering the distance. However, some mornings it takes me 45 minutes to get from my home to the railway station in Stoke-on-Trent—a journey of not more than four miles—if I hit peak traffic. I certainly agree with the hon. Member for Stoke-on-Trent South, and other colleagues who mentioned it, about the wider infrastructure around Stoke-on-Trent that allows people access to the rail network.

Stoke-on-Trent railway station deals with more than 3 million journeys a year. If Kidsgrove, Longport and Stafford and the stations that immediately serve the conurbation are included, we are easily talking about 4 million or 5 million journeys a year. That is not an insignificant number, but getting to a station at peak travel time can be the most arduous part of the journey, irrespective of where someone is going on the rail network. I would welcome comments from the Minister about what plan the Government have to deliver the integrated transport system that we need, which would serve North Staffordshire well. I am talking not only about driving a car, but about local bus routes. Bus services in North Staffordshire serve the places they need to serve, but they do not necessarily go to the places passengers want to go to. For someone who lives in Staffordshire Moorlands, trying to get to Stoke-on-Trent railway station—which is the one that serves the community—from Leek, Werrington or Cheadle would be a struggle on public transport at the key times when people seek to travel. Likewise, moving around the city becomes difficult.

I want to focus particularly on the Crewe-Stoke-Derby line. I think that the theme for today’s debate has been hinted at. It is not necessarily the greatest service in the world. My hon. Friend the Member for Newcastle-under-Lyme (Paul Farrelly) was right when he called it a
single-carriage bone-shaker. It is a single carriage that
trundles through Stoke-on-Trent—an embarrassment
to a rather impressive railway station. People going to
Derby or Uttoxeter can often be seen squeezing on to a
single carriage. The only other time I see that is when I
try to get on to the Northern line at busy times when I
come to this place. At least then there is another train
coming in two minutes, rather than an hour.

We know—and it is what Midlands Connect has done
with its services—that with an increase in frequency and
a doubling of carriage size there could be a 72% increase
in use of the line from Crewe to Derby. That would
result in new passengers using the line for access to the
services available in Derby and Crewe. It would also, for
Stoke-on-Trent’s purposes, mean more people coming
to the city to take on the new jobs that will be coming as
part of the local growth programme. As my hon. Friend
the Member for Stoke-on-Trent North (Ruth Smeeth)
and the hon. Member for Burton (Andrew Griffiths)
mentioned, we are missing a trick by not having services
that work on race days. The A50 may now be resurfaced,
but it can still only take as many cars as it could before.
The roundabout halfway along, with the hotel that JCB
uses, remains a snaggling point. Regardless of how
smooth the roads to it and around it are, more cars
cannot go through that neck than will fit. We are
therefore missing a trick in the matter of alleviating
pressure on the A50 as well as boosting the economic
activity of one of the county’s largest employers, and
one of the largest contributors to the economy.

I can get from Stoke-on-Trent to London in about
an hour and 25 minutes. That is without stopping at
Milton Keynes; with that stop, it takes about 1 hour
and 35 minutes. However, when people come from
London to Stoke-on-Trent they often say to me “I
didn’t realise it was this close.” They mean they did not
realise they could get there so quickly. Sometimes we
forget that Stoke-on-Trent’s position on the rail network
and its proximity to London make for good timing,
which businesses can make use of. I hope that the
Minister will forgive me if I mention that the issue was
pushed to the Under-Secretary of State for Transport,
the hon. Member for Wealden (Ms Ghani), when she
was talking about High Speed 2. There are still things
we are unsure about, with respect to HS2 provision in
Stoke-on-Trent. We know we should be served by the
compatible work, and that there will be a train stopping
at our station. We do not know what the cumulative
impact will be on our existing fast services and our
existing commuter service to the rest of the county. The
hon. Lady gave us as much information as she could at
least the line that runs from Silverdale to Newcastle and
the constituency of my hon. Friend the Member for
Newcastle-under-Lyme—of lines that have been turned
into cycle routes or pedestrian-friendly routes away
from the main line, and where alternative forms of
transport can use the infrastructure that was once laid
down to allow people to cycle or walk. If we could
consider those issues, we could take some of the history
and heritage of our railway infrastructure in North
Staffordshire and put it to better use for pedestrians.

Finally, those Members who, having heard this debate,
are on their way to Stoke-on-Trent and cannot wait to
to get on a train, will now find when they get to the station
a wonderful new establishment called the bod.

3.21 pm
Sitting suspended for a Division in the House.

3.47 pm
On resuming—

Gareth Snell: I was concluding my remarks by inviting
anybody who is on their way to Stoke-on-Trent on a
train to stop at the new bod, the establishment that has
been put together on the station by Titanic Brewery,
replacing the first-class lounge. They have made the
station safer by doing that, because the traditional cafes
that were there closed around 5.30 pm or 6 pm. That
meant that if people were catching a train after 6 pm,
they sat in a cold, wet station with no access even to a
cup of tea, and with very few people around. That new
provision is open until quite late, meaning that there are
people keeping an eye on what is going on there. There
is a safe place to sit and, importantly, it is showcasing
one of the best employers and businesses in Stoke-on-Trent—according to my hon. Friend the Member for Stoke-on-Trent North, it is based in Burslem. I congratulate once again the hon. Member for Stoke-on-Trent South on securing the debate.

Sir David Amess (in the Chair): Owing to the Division, this session will now finish at 4.16 pm—colleagues should bear that in mind. I call Rachael Maskell.

Rachael Maskell (York Central) (Lab/Co-op): Thank you, Sir David—it is always a pleasure to serve under your chairmanship. I welcome the Minister to his place. It seems that he has so much power in his pen already, and I will certainly be joining the queue to make bids for my constituency.

I welcome the debate, which has been led by the hon. Member for Stoke-on-Trent South (Jack Brereton). It has been really crucial for the future of Stoke, and he presented his case very comprehensively. Ultimately this debate is about connectivity across our rail services, which is vital. We must remember that that is the purpose of our rail service: this is not about rail itself, but about ensuring that passengers and freight can move across our country smoothly and have the interconnectivity that my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell) raised in terms of intermodal connectivity, which is vital for ensuring that our systems work.

We have heard today about the need for station upgrades and reopenings, as well as improvements to routes. Those are absolutely vital for the economy in and around Stoke. It was a pleasure to talk to the hon. Member for Stafford (Jeremy Lefroy) earlier in the week, and he reminded me of the history of Stoke’s rail services and of how local MPs and pottery owners did not want stations in Stoke, because they would mean that pottery workers’ wages would have to be put up. Today, we have the reverse situation, with MPs campaigning to ensure that we have good-quality rail services for that very reason—so that wages can increase for the local community. How things can change over time.

We need to ensure that the vital economy around the ceramics industry—we have heard how the industry is moving into wider manufacturing and digitalisation—is serviced by a good transport system. I felt the pain of my hon. Friend the Member for Stoke-on-Trent Central and the hon. Member for Stoke-on-Trent South as they talked about the one-carriage bone-rattler on the Crewe to Derby line and about the time it takes to move along the tracks. In fact, it can take as long to travel between Stoke and Derby as it does between Stoke and London, and it can take even longer to travel to Nottingham. We have a real problem with connectivity between our east-west services, particularly in the midlands and the north, and it is vital that we address that. Labour has said that that is a priority for us, and that is true not least, as my hon. Friend the Member for Stoke-on-Trent Central touched on, of Crossrail for the north—often referred to as HS3—and making sure that we get a full upgrade, because that will really build the northern powerhouse.

I felt the frustration of my hon. Friend the Member for Newcastle-under-Lyme (Paul Farrelly) when he highlighted that although HS2—super high-speed rail—is being built, there is little point to it if we cannot connect into it and travel to it, bar at a snail’s pace. It is important that we think those issues through when enhancements are projected.

The debate has made it clear that the fragmentation across the railway service has created much of this pain. Stoke-on-Trent railway station hosts five different rail operators, and the hon. Member for Congleton (Fiona Bruce) highlighted the lack of joined-up working across those services. That is why Labour has put on record that we should have one railway system—a new model of nationalisation, which does not go back to the past, but which moves forward to make sure we get that connectivity on track and train, but also across the whole network. People’s journeys do not start and stop where operators do, and we need to ensure that the whole system works.

There must also be transparency on fares—as my hon. Friend the Member for Stoke-on-Trent Central mentioned—so that people actually know what they are paying for when buying tickets. Let’s face it: we all feel we are being done when we buy our train tickets, so we need that transparency.

We also need to make sure that we have proper planning when operations, maintenance and enhancements are brought into rail services, to make sure those services are integrated and properly planned so we get the services we need. We need to look at not only track and train upgrades, but electrification and digitalisation, to move our railway system into the new era.

We should also ensure that every station is accessible. I remind hon. Members that many stations are still inaccessible 23 years after the Disability Discrimination Act 1995. That is a real disgrace. If they are accessible for disabled people, they are also accessible for parents with little ones in buggies, shoppers and everyone else who wishes to use the railway network. I congratulate my hon. Friend the Member for Stoke-on-Trent North (Ruth Smeeth) on her tenacious campaigning for access improvements at her station, Kidsgrove, which has clearly born fruit. MPs have campaigned for that for years, but she has delivered it for her constituents, and she must be congratulated on that.

We need to invest in the right places, and we need to reopen stations—especially given the opportunity that light rail could bring to places such as Stoke—to make sure we see a modal shift out of cars and away from congestion and polluting the environment, and on to well-connected rail services and good buses. We in this House have a duty to drive forward the debate against climate change, and we do that not just by talking about it—we have talked much—but by the decisions and actions that we take.

It is so important that Midlands Connect, the transport infrastructure body, really works on this agenda with local Members and the local authority. We want the best in the UK—not just the best for places such as Stoke, but the best in Europe. There are so many great examples out there of how connectivity and cleaning up rail and transport systems can be done, and we are ambitious about making that happen.

In concluding, I will just touch on HS2, because it has been mentioned in the debate. We need to ensure that there is good connectivity into HS2. During its construction, we need to make sure we maximise the
opportunity for rail links to ensure that places such as Stoke and beyond end up with the connectivity they need. I heard the plea made very clearly about having links into Manchester airport, which is absolutely vital for the local economy, but it is also about making sure we have the connectivity map. My fear about HS2, which I have articulated a number of times, is that it has become about HS2 itself, as opposed to about enhanced rail infrastructure across the country. We need to move the debate forward and ensure accountability to make sure we get the rail service we need across our country. HS2 comes with opportunities—we have heard how Crewe could be revitalised as a vital railway town—and we must make sure that Stoke does not miss out.

We have had an excellent debate this afternoon, and many issues have been raised. I am sure the Minister’s pen is poised, given the multiple requests he has had this afternoon. As we move forward, I am confident that Labour has the right plan for the future of our railways. We do not need the Williams review; we have done the work with all the stakeholders on the railways. We are ready to run—we just need to have the Minister’s pen.

3.57 pm

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): It is a pleasure to serve under your chairmanship, Sir David. I congratulate my hon. Friend the Member for Stoke-on-Trent South (Jack Brereton) on securing the debate. The speeches we have heard from Members on both sides make clear the ambition for the area, and we have had some very informed contributions detailing how that ambition might be delivered.

There have been some common themes, including the connectivity and, in particular, the capacity of the north Staffordshire rail line. That reflects historical under-investment in our railway. That accusation can be made against Governments of all colours over a considerable number of years, but I do not think it is an accusation that can be made against this Government. We are looking at the biggest period of rail investment since the Victorian era. Just next year, from April onwards, we will be starting what is called control period 6, which will bring a £48 billion package of investment—a record in British history and the biggest since the Victorian era. Nobody can accuse this Government of failing to recognise the importance of rail or of not matching that in our Budgets.

As all the contributions to the debate showed, we can all agree on the tremendous importance of the region, whether in terms of industrial growth, passenger growth, the opportunity that has been presented by HS2, or the importance of passengers reaching the HS2 hubs so that they can access that new service, right down to the rail user groups as well. Would I share in congratulating those groups? Yes, I most certainly would. Rail user groups up and down our country do fantastic work, whether it is looking after stations or promoting services.

We seek ways in which to improve services in future. The Department and Network Rail are fully engaged with Midlands Connect, which has recognised the importance of the north Staffordshire line in its transport strategy. The Government have committed £12 million to fund Midlands Connect to the end of the next financial year, with additional investment to further develop focused transport proposals throughout the Midlands.

With that support, Midlands Connect plans to produce a strategic outline business case next year, to assess how service capacity and frequency might be improved significantly on the north Staffordshire line, including consideration of infrastructure upgrades such as improved signalling or alterations to level crossings, rolling stock improvements, and operational measures such as changes to stopping patterns. The business case will look at ways of doubling existing service frequency and reducing journey times by 20 minutes. Midlands Connect estimates that increasing service provision in that way could increase passenger demand on the line by 72%, which is a figure quoted earlier.

Investing in that corridor will complement the Midlands rail hub proposals, which seek to increase capacity radically and reduce journey times across the region. The work to develop the scheme is supported by the Department, which has provided a further £5 million. The work is intended to double the frequency of services between Birmingham, Derby, Nottingham and Lincoln.

Further to that, as part of the strategic development corridor work, Transport for the North is reviewing options to improve connectivity in the Crewe to Derby corridor as part of its strategic transport plan. We fully recognise the need to invest in modern infrastructure to support better services—the two go hand in hand, which is why we have the biggest upgrade of the midland main line since it was completed in 1870, in an investment worth £1.5 billion.

Ambitious works to modernise and improve the railway at Derby station were recently completed. In fact, I am going to visit it tomorrow morning, and I am very much looking forward to doing so. That once-in-a-generation upgrade includes 17 km of new track, 55 new signals, 79 sets of points and nine new overhead gantries. The previous complex and inefficient track layout has been simplified...
to allow for more direct train movements to and through the station. We are not investing in our railway network purely because we want the network to be invested in; we are investing to increase capacity. It is all focused on passengers, who are at the heart of what we are doing.

The next East Midlands franchise is a piece of live work. Through our ambition and the invitation to tender, we intend to get new capacity coming on stream using some of the capabilities that we have been discussing. The invitation to tender published in June specifies an ambitious programme of benefits and improvements, including a brand-new fleet of longer, quieter, comfortable and more efficient bi-mode trains, which will provide additional seating and improved on-board facilities for long-distance services. The three bidders for the franchise are Abellio, Arriva and the existing provider, Stagecoach. On timing, we anticipate the announcement of the winning bidder in the spring, with services to commence in summer next year.

To focus on the Derby to Crewe corridor, the north Staffordshire line will benefit from increased capacity, which was at the heart of the comments made by my hon. Friend the Member for Stoke-on-Trent South. Trains will operate with at least one extra carriage to help to satisfy local demand. That will be supplemented by additional early and late services, and improved Sunday services. I cannot immediately promise the timing wanted by my hon. Friend. Friend for Burton (Andrew Griffiths), but I undertake to take that question away, look at it and come back to him.

As my hon. Friend is aware, however, Ministers are not directly involved in assessing bids, which is a piece of work done anonymously inside the Department, with the information kept secure because it is market sensitive. Bidders have nevertheless been incentivised to enhance existing direct journey opportunities, including east-west connectivity or the Crewe to Derby service. Passengers will also benefit from high-quality wi-fi and mobile connectivity on trains and in stations.

I have attended many transport debates, but never before has a Member highlighted the ugliness of their station; normally Members talk up their local area. Due to the miracle of parliamentary wi-fi, I have had a look at Burton station. It is not an architectural masterpiece, I recognise that. My hon. Friend was kind enough to invite me to visit his constituency, and I would be delighted to do so. Perhaps we could visit the St Peter’s bridge of earlier discussions, as well as looking at the station. He also mentioned a local brew on the way—always a pleasant thought.

Smart ticketing will be another feature of our modern railway. Smart ticketing options will be introduced for leisure and business journeys, including fares that offer better value for money for passengers travelling regularly but less often than five days a week. The new franchise has specified exemplary passenger satisfaction targets for trains, stations, customer services and dealing with delays. The hon. Member for Stoke-on-Trent North (Ruth Smeeth) spoke about customer service, and I agree that we must have the highest levels of customer service on our railways. The East Midlands competition has attracted a strong field of companies, all of them determined to operate that vital franchise. The winning bidder will be the one that impresses the most, while obviously ensuring value for money and a good deal for taxpayers.

One particular feature of colleagues’ concern has been communication and collaboration between the different parts of our rail network, whether on the detail of the 12.11 and the 12.16 at Alsager, or on the services to London—which I believe will continue but, from May next year, are likely to go via New Street station in Birmingham. My hon. Friend the Member for Congleton (Fiona Bruce) highlighted a number of other questions, as have a lot of colleagues, and I will go through the record of the debate to ensure that I write to everyone with the detailed answers they sought. From May next year, however, she may at least expect an attractive service via New Street.

As part of our strategic vision for rail, the new franchise will introduce new ways of working that put passengers first. The historical separation of track and train, no longer suitable for the challenges of today’s intensively used railway, will end. In its place, we will introduce a new “one team” approach to embed shared incentives between Network Rail and the new operator that will ensure that passenger interests come first in all decision making. I hope that colleagues agree that the vision for the new franchise to serve the east midlands will ensure a service that is far more ambitious than that which it replaces, and will play a significant role in securing the long-term prosperity of the region.

HS2 has been mentioned by many colleagues in this debate. It is a fantastic project, and I look forward to it enormously. It will transform transport connections right across our country. Looking further ahead to its local impact, the second phase of HS2 will deliver considerable benefits for the region and has the potential to support growth right across the UK. Crewe is a key station for connectivity; HS2 will generate significant opportunities not just there but, because it is such a hub, for Wales, Cheshire, Warrington, the Wirral and the immediate area around Staffordshire. Crewe will be the hub that connects those areas, the north of England and the west coast main line. It will totally revitalise the area with new opportunities, bringing businesses, jobs and housing to the wider region. Through HS2 connections at Crewe, passengers will benefit from shorter journeys to London and vice versa, as well as improved cross-country journey times.

My hon. Friend the Member for Stoke-on-Trent South highlighted the importance as a key feeder of Longton station in his constituency. That is entirely understood. The question now is how we maximise the benefits that HS2 will bring. This is a £50 billion-plus scheme; right across the country, contracts will be won by engineering businesses to deliver this fantastic scheme. The project now is how we maximise the opportunities and minimise the disruption to local communities during the build. We should be in no doubt, however, that HS2 is a fantastic, exciting project serving more than the immediate area; it is important for the whole UK. I certainly want Stoke-on-Trent to be served by HS2.

There have been a number of comments on timetabling, ticket pricing, local delivery plans for Staffordshire and whether the line from Stoke to Stockton Brook will be reopened. The rail strategy published in November 2017 includes a section on exploiting opportunities to restore capacity lost under Beeching where that unlocks housing and growth. Any potential reopening would need to be supported via a strong business case to demonstrate an economic return. Who might be the best people to
produce those plans? That would be local councils and local enterprise partnerships. They know their areas best; they need to decide which transport schemes will bring the most benefit. We will work very closely with LEPs and authorities to help them with that work. Any proposal must be brought forward in line with the rail network enhancement pipeline, but we are keen for capacity to be increased and we recognise that reopening closed lines will be a feature of rail’s future.

The transforming cities budget was highlighted; that is a significant opportunity. Stoke is one of 10 English city regions chosen to work with the Department to design innovative public transport packages to make it easier and quicker for people to get around. The hon. Member for Stoke-on-Trent Central (Gareth Snell) said that the journey from his home can take him up to 45 minutes; this fund is designed to help Stoke and other regions tackle some of their internal transport questions. They will be eligible for a share of up to £1.28 billion from the transforming cities fund and from funding as a future mobility zone. Each shortlisted region will have to develop its own plans, but regions are given some budget to help them make their bids.

I will go through the record carefully to see whether there are any questions I have not answered, but I have tried to answer as many as possible. I want to leave with hon. Members the message that we fully recognise the need for increased capacity on that service, as has been made extremely clear in this debate. The rolling stock needs to be improved. That improvement can help to unlock economic opportunity—that has been made clear by colleagues on both sides speaking with one voice on behalf of their region. That voice has been heard and I will do all I can to make the transport of the area much improved.

4.14 pm

Jack Brereton: It is nice to see you in the Chair, Mr Pritchard. I very much thank the Minister for his response, particularly about the need for additional capacity and more carriages. It is welcome that there will be more carriages and better services, particularly on evenings and weekends. There is not time to go through all colleagues’ comments, but I thank all those up and down the route who have contributed to the debate. Various stations have been mentioned, from Kidsgrove to Stoke, through to those in Congleton, Alsager and Uttoxeter. There are many colleagues further afield along the route who have not had the chance to contribute, but I know they are all very much in favour of improved services.

We must improve services for the rail network around Stoke-on-Trent to build on, as the Minister said, our ambition as an area for growth, housing and jobs. Improved transport will bring opportunities and important connectivity for all communities across Stoke-on-Trent and north Staffordshire to our main station once we receive those HS2 services. Through improved rail services, communities will benefit from growth in wages, skilled job opportunities and housing.

4.16 pm

Motion lapsed (Standing Order No. 10(6)).
The amount he describes having to pay is very high, given his needs. Because of the communal nature of the supply, there is no real way for residents to monitor their usage, which means they often receive unexpectedly large bills.

People who live in buildings with district heating systems tend to be locked into long contracts with their suppliers. The term of my constituents’ contract is 25 years, following which it will be retendered. Those customers do not enjoy the same benefits as gas and electricity customers, for whom it is now easier to switch supplier to find the best deal. With no motivation for suppliers to compete, the monopoly becomes further entrenched, and it is residents who lose out.

There appears to be a lack of transparency and information about district heating systems. My constituents contend that they were not explicitly made aware until the day they moved in that their building was heated by such a system. They kindly provided me with a copy of their lease. Although numerous clauses provide legal support for the implementation of the system, at no point has there been a sufficient attempt to clarify what it actually is, how their homes are heated or the terms to which they are subject. The housing developer contends that it made efforts to tell residents as they moved in, but it seems to me that a more substantive intervention needs to be made, earlier and in good faith. At the very least, there was an omission, which needs to be corrected immediately: at most, there was a deliberate attempt to obfuscate. Of course, aligning the regulations with those for gas and electricity would resolve the problem.

Following pressure from consumer groups, the Heat Trust was set up in 2015. It remains the closest thing to a regulator the sector has. It aims to support common standards for the quality and customer service that heat suppliers provide their customers, and it gives customers access to the energy ombudsman for complaints. However, a closer look reveals a different picture. Membership of the Heat Trust is completely voluntary, meaning schemes that do not want to join are under no obligation to do so. Although the trust is managed by a not-for-profit organisation, its board is made up almost entirely of developers, suppliers and supporting services. There is no clear consumer representation. It appears that the Heat Trust is not fit for purpose. If the Government continue to rely on it, they will allow a system that they hope will grow and support our green ambitions to develop with built-in disadvantages for consumers, and I see no reason why a double standard should continue to exist between residents using district heating systems and those who heat their homes with electricity and gas. I urge the Minister to adopt the recommendations in the CMA report, regulate these systems properly, require a culture of transparency, and give consumers the protections that have long been standard for other domestic heating fuels. Only then will we realise the full benefits that these systems can provide.

4.25 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Richard Harrington): I believe this is the first time I have had the honour of speaking in a Westminster Hall debate under your chairmanship, Mr Pritchard, and I am very pleased to do so. I congratulate and thank the hon. Member for Lewisham East (Janet Daby) for securing a debate on this important issue.

When I started thinking about heat networks, I realised that when I first moved to London, which I respectfully say was probably before hon. Lady was born, I lived in an old block of flats with a big boiler in the basement. We were all either freezing cold or boiling hot, and we paid far too much for heating via our service charge. My understanding is that that is really what a heat network is—obviously not just in one block of flats but in an area—so I immediately sympathised with her cause.

Of course there is a lot more to it than that. I agree entirely with the hon. Lady’s assertion that we need to ensure that all heat network consumers are well protected and benefit from fair bills, which is not the case at the moment. On the plus side, heat networks are a valuable part of our commitment to decarbonising heat, and we expect the sector to expand significantly with continued support from the Government. That does not mean it should continue as it is now, but the principle of heat networks is good if they work properly, and they can be of mutual benefit to the Government’s decarbonisation projects, to energy and local authority suppliers and to consumers in all our constituencies.

More than 400,000 consumers across the country are already on a heat network, and most report a largely positive experience. They are currently covered by general consumer protection and competition law and by the Heat Network (Metering and Billing) Regulations 2014.
In addition, consumers on a Heat Trust-registered scheme, which the hon. Lady mentioned and I will come to in a moment, have free access to the energy ombudsman's services.

In 2017, my Department commissioned a large-scale survey to quantify consumer experiences of heat networks in England and Wales for the first time. The results show that heat network consumers are as satisfied as non-heat network consumers with their heating system, and that on average they are likely to pay less for their heating. That is supported by analysis from the Competition and Markets Authority, which I strongly welcome. However, both our consumer survey and the CMA found evidence that some consumers get a poor deal on price and do not receive the quality of service we expect. That is exactly what the hon. Lady said, and she was backed up well by the hon. Member for Greenwich and Woolwich (Matthew Pennycook), whose constituents have clearly had a similar experience.

In its final report in its heat networks market study, the CMA makes important recommendations about how to strengthen consumer protections for heat network consumers. My Department has been reviewing the CMA's findings alongside the recommendations of the industry-led taskforce that reported at the beginning of the year. Very soon, we will set out our priorities for establishing the long-term market framework that the hon. Lady mentioned, with—I stress this—a key focus on protecting consumers.

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): I thank my hon. Friend for giving way and I congratulate the hon. Member for Greenwich and Woolwich. I agree with him that it is well by the hon. Member for Greenwich and Woolwich (Matthew Pennycook), whose constituents have clearly had a similar experience.

In its final report in its heat networks market study, the CMA makes important recommendations about how to strengthen consumer protections for heat network consumers. My Department has been reviewing the CMA's findings alongside the recommendations of the industry-led taskforce that reported at the beginning of the year. Very soon, we will set out our priorities for establishing the long-term market framework that the hon. Lady mentioned, with—I stress this—a key focus on protecting consumers.

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Richard Harrington: I fully accept the hon. Gentleman's point. I wish I could wave a magic wand and say that it is going to be done the week after next. It is in the pipeline; I can assure him of that. It would be wrong of us to jump into something without giving it considerable thought. I fully accept his frustration and that of his constituents, and that is paramount. To him and the hon. Member for Lewisham East, that may sound like I am waffling and prevaricating, but it is just how it is. I would be very happy to meet them in the early part of next year to discuss progress, if that would help. The Department is not putting this on the back burner or anything like that. I give them that undertaking.

I believe that heat networks, if done properly, represent a significant opportunity to upgrade part of the whole UK energy infrastructure and seize the opportunity for British business that the technology presents. Heat accounts for about a third of UK carbon emissions. We have to cut our emissions to meet our carbon reduction targets. Heat and heat networks can play a critical role in this. We have made considerable progress generally through renewable heat incentives and energy company obligations, which have provided an incentive for heat networks to install lower carbon heat sources. The investment of £320 million in heat network projects, which is a mixture of grants and loans, is to be encouraged. Again, we have to ensure that where the Government are providing that support, adequate consumer protection measures are in place by requiring projects to demonstrate Heat Trust or equivalent standards when operational.

There are many heat network suppliers that provide strong consumer protections, such as Energetik, established by Enfield Council to provide better value, reliable and environmentally-friendly energy. I hope that the service charter that Energetik provides to its customers sets out clearly the minimum standards of service they can expect, what measures they provide to those vulnerable customers needing extra help and how they can be contacted should something go wrong.

We have worked closely with industry and consumer groups to support, through funding and guidance, the development of the UK-wide Heat Trust scheme, which is an independent consumer protection scheme designed specifically for customers. It draws on the terms of service offered to gas and electricity consumers. That said, I reiterate the comments made by the hon. Member for Greenwich and Woolwich. I agree with him that it is a voluntary scheme and does not protect all customers. I accept the assertion made by the hon. Member for Lewisham East that it does not protect all consumers, which I am sure is correct. However, I do not think it is all bad; I think it has been an improvement as well.

Where sites are registered with the Heat Trust, such as the Catford Green development in the constituency of the hon. Member for Lewisham East, they are not offered protections on pricing and contracts. Although we can learn some things from the work of the Heat Trust, that does not remove the need for further action. That is particularly the case as heat networks often operate as natural monopolies and customers can be contracted for very lengthy periods of up to 25 years, as
the hon. Lady said. We want to ensure that heat network consumers are able to make informed choices about whether a property on a heat network is right for them, and to feel confident that if issues relating to their heating systems arise, they have recourse and there is a way to redress them.

The role of Government is to ensure that we are providing clean and secure energy at an affordable price to the consumer. We need a long-term market framework that places consumers at its heart, that still delivers sustained investment in the sector and maximises the potential economic and environmental benefits of heat networks. I hope that I have outlined a number of measures that the Government have already put in place and I hope that industry, consumer groups and all interested stakeholders will work closely with us as we develop our plans for further interventions.

Question put and agreed to.

4.36 pm

Sitting suspended.

Offence of Sex for Rent

4.39 pm

Peter Kyle (Hove) (Lab): I beg to move,
That this House has considered the offence of sex for rent.

It is an honour to serve for the first time under your chairmanship, Mr Pritchard. I am also grateful to the Minister for being here. I have known him for a number of years in different capacities, and I know this is a subject that he will have a great deal of interest in.

I am grateful to have been granted the debate, because it gives us the chance to highlight a pernicious, exploitative and pervasive phenomenon that too few people are aware of and too little is being done to tackle. The issue of sex for rent was brought to my attention by Lauren Moss, a BBC journalist. She showed me evidence that people were accepting accommodation from landlords in return for not money, but sex.

We do not have to look hard for the adverts. They are not hidden deep in secret corners of online platforms. In fact, one of the most surprising aspects of this is how open and explicit the adverts are, and how integrated they have become into the advertising landscape for accommodation. Some adverts simply imply what the landlord is expecting:

“Free accommodation for attractive female”.

Others are more explicit:

“You do not have to pay any rent for your stay with me in exchange for some mutual fun times together”.

Many go into much more detail about how much sex is involved:

“You agree sort of like a couple of times a week, pop into my room sort of thing, but as far as the apartment’s concerned, it’s like completely as if we’re flatmates. It’s all the bills, the rent, free.”

The majority of the ads are aimed at women, but I have also seen them targeting young men. Ads describe in detail the age, look and demeanour expected of the tenant, as well as the amount and type of sex that is expected. People moving to towns and cities such as Brighton and Hove, which I represent, are uniquely vulnerable to sex for rent exploitation. Two universities, a housing crisis and ubiquitous access to online platforms such as craigslist mean that some young people are led swiftly down a path toward exploitation.

For some, there is a veneer of harmlessness about it. Because this is such a new phenomenon, understanding the extent of exploitation is hard, but emerging evidence shows that it is a much larger problem than anyone first thought, and it is getting worse. Last year, the housing charity Shelter conducted a tenant survey that addressed the question of sex for rent for the first time and provided the first quantitative data. It asked the question, “Have you ever been offered ‘sex for rent’ while renting?” The estimated number of women affected by the arrangement was shocking. More than 100,000 women have been offered sex for rent in the last year alone, around 250,000 women have been offered sex for rent in the last five years and more than 300,000 women have been offered sex for rent in the time that they have been renting.

I raised this issue with the Ministry of Justice last year to get clarity about the law. The then Secretary of State, the right hon. Member for Aylesbury (Mr Lidington),
wrote to me in July 2017 confirming that it was his belief that sex for rent fell foul of the Sexual Offences Act 2003 and carried a maximum prison sentence of seven years. I sought further clarification of the law, working with Queen’s counsel from Cornerstone Barristers, who offered the following opinion:

“We believe that the practice of ‘sex for rent’ meets the definition of the criminal offence of causing or inciting prostitution for gain. The Offence is established by Section 52 of the Sexual Offences Act 2003, which provides as follows: ‘(1) A person commits an offence if—(a) he intentionally causes or incites another person to become a prostitute in any part of the world, and (b) he does so for or in the expectation of gain for himself or a third person.’

It is clear that the incitement to sex in return for accommodation is a criminal offence.

John Howell (Henley) (Con): I praise the hon. Gentleman for rightly highlighting this disgusting activity. Does he have a feel for why this is increasing now?

Peter Kyle: The hon. Gentleman asks an important question. A little later in my speech, I will highlight the fact that we have a perfect storm in certain cities and towns in our country. The housing crisis and the high cost of accommodation, combined with access to online platforms and the fact that university towns draw young people in, have created a perfect storm for exploitation in this way.

As I say, it is clear that the incitement to sex in return for accommodation is a criminal offence. There is no question. The sex itself does not need to happen for the law to be broken. That prompts a very important question: considering there are hundreds of live adverts online right now, today, and many thousands have been placed in recent years, why, to the best of my knowledge, has there not been a single arrest, let alone conviction? It is likely that thousands of people, mostly young, in Britain have been victims of sexual exploitation, yet not one perpetrator has been brought to justice.

Seeing that this was no longer a matter just of clarifying the law but of enforcing it, I also contacted the Home Office last year. The then Home Secretary, the right hon. Member for Hastings and Rye (Amber Rudd), took time to meet me on several occasions to discuss the matter and investigate ways forward. I am grateful to her for spending that time with me, and particularly for her for spending that time with me, and particularly for the effort she put in subsequently. It is my understanding that under her direction a work stream was established in the Home Office to look into ways of enforcing the law and bringing offenders to justice. However, to date there is no evidence of success. It is my hope that the new Home Secretary shares his predecessor’s concerns, but such matters must be judged on outcomes, and as this exploitation continues unabated, there is no ground for optimism yet.

I implore Ministers to look seriously at two distinct aspects of sex for rent. The first is bringing perpetrators to justice. There are hundreds of adverts online right now, clearly inciting people into the exchange of sex in return for services—there can be no doubt about that. The question is why are those who place the advertisements not being locked up for it? Why are people left so exposed to exploitation, simply because the law enforcement agencies seem unable to adapt to the new trends in exploitation fast enough?

I realise that there are challenges. It seems that many people lured into these arrangements are middle class, emerging into adulthood, and they are exploring new freedoms, such as starting at university and moving to a new town. Thrown into that mix is an offer of free accommodation. The emotional impact and the price that they will pay for it may not be felt for years to come. It is unlikely that many victims would feel comfortable identifying themselves as prostitutes, which is how the law currently classes them, so most would be extremely unlikely to go through with a prosecution. Will the Minister consider a new legal definition for victims of sex for rent, in order to enable more victims to come forward? Ideally, the exchange should not take place at all.

I know the Minister personally places great emphasis on the prevention aspects of policing. Difficulties are posed when adverts are placed in areas covered by different police authorities from the areas where the offence is potentially taking place. Those are continual challenges for our policing across the UK. Can the Minister tell us which law enforcement agency is best placed to lead on this and when we can expect results? I am actively working with barristers from Cornerstone, who have generously given their time pro bono, to look into the possibility of a test case. That could provide a way forward to ignite a response from our law enforcement agencies, but it is not ideal. I would like to see our forces act first, and act fast.

Secondly, action must be taken against the websites hosting the adverts. Within a week of my first raising the issue, Gumtree, which had previously had such adverts on its website, came to see me in Parliament. It immediately instigated a policy to monitor and eradicate such adverts from its site, which has largely been successful. I know that Members from across the House will join me in thanking the company for taking such swift action to protect its own customers. Craigslist has chosen a different path. It has ignored my attempts at emailing, writing and calling. It has ignored the media outlets, such as the BBC, the Daily Mail, The Guardian and the Daily Mirror and, as far as I know, it has ignored the Home Office too. Not only is Craigslist profiting from facilitating the sexual exploitation of young people, but it is treating our country and our Parliament with contempt.

I do not understand why Craigslist is allowed to act like a pimp but is not treated like the pimp that it is. When police come across pimps in the streets, they act. They have the power to act and they know what to do with that power. However, because Craigslist pimps via an online platform, we seem spellbound into inaction. Just because the pimps are sandal-wearing, cappuccino-swilling Californians does not mean that we should let them get away with it. Being allowed to trade and profit in our country is a privilege, and I do not see why, when that privilege is so blatantly abused and profit is made from sexual exploitation, we should stand idly by simply because tackling it is difficult.

We have a problem. It is a growing problem that will not go away. I look to the Government for decisive action to enforce the current law, to enhance the law to make it more accessible for victims of sex-for-rent, and
to take action against craigslist, whose intransigence and amorality in the face of sexual exploitation should shame each and every one of its employees.

4.50 pm

Wera Hobhouse (Bath) (LD): It is an honour to serve under your chairship, Mr Pritchard. I congratulate the hon. Member for Hove (Peter Kyle) on securing this important debate.

I first came across this issue while watching “Victoria Derbyshire”, on a Monday morning, I think. I was surprised that such an exploitative and vile practice could thrive in our midst, and that nothing seemed to have been done about it. Only subsequently did I understand that the hon. Gentleman had tried to do something about it a year and a half ago. It is frustrating that the then Home Secretary took an interest in the issue and looked into it, and it was established that sex for rent was a criminal offence, yet within the year and a half since it was first raised the practice seems to have continued, and in fact spread. Why is that? Why should we in this House be so powerless to do anything about it? We need to raise and talk about the issue and make sure that different Government Departments talk to each other, and then go into the core of why the problem continues.

As we have already heard, sex for rent is when a landlord solicits sex—as opposed to currency—in exchange for shelter. Many arrangements are informal and thrive in the shadows, taking advantage of young people who do not initially realise that they are doing something that will envelop them in an exploitative situation. I emphasise that the underlying problem of all this is the acute housing shortage. With very high rents, people find themselves unable to find accommodation. There are also more vulnerable people who cannot get on to the social housing ladder and who then find themselves in these arrangements, which ultimately become very exploitative and distressing. The situations tend to spiral, becoming mentally and physically damaging to victims, who find it impossible to escape that cycle and who fear reporting it to the police because they might be implicated in a crime.

The Government have stated that sex-for-rent arrangements are illegal and that landlords can be prosecuted, yet prosecutions for this crime remain incredibly rare. Why is that? When I met a Justice Minister, I learned that, interestingly, sex for rent is not a specific sexual offence but is within other sexual offences, so we do not actually know the number of cases. Finding out the exact numbers is important. Landlords can exploit legal grey areas that allow them to advertise directly to vulnerable people and to not-so-vulnerable—middle class or whatever—people who then become very vulnerable. We have already heard that websites such as craigslist give perpetrators of sex-for-rent crimes a platform to draw in their victims.

In the meeting with that Justice Minister, we established that we should look at the Crown Prosecution Service guidelines. I am very pleased to say that I was in contact with the CPS, which confirmed that it is revising those guidelines and will include a new section on sex-for-rent arrangements and advertising. That is a win and a step forward, but we will need to monitor whether it will make a difference. We in the House and in the Government must stay on top of these crimes, which continue to thrive because they are a new phenomenon—a perfect storm, as the hon. Member for Hove pointed out.

I very much welcome that the Minister is listening, and I hope that we can make progress. I met the former Home Secretary, who has been very supportive and who suggested that the issue should be looked at by a Select Committee—probably the Women and Equalities Committee. However, although the victims are mainly women, the lesbian, gay, bisexual and transgender community is also particularly vulnerable; this is not only a crime against women. A work stream has been established, but I will very much welcome a Select Committee looking into this. I have engaged with the Chair of that Committee, who has also been very supportive. Working across the House to investigate and end this terrible exploitative practice must be in all our hearts.

4.56 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to serve under your chairmanship, Mr Pritchard. I thank the hon. Member for Hove (Peter Kyle) for setting the scene, as he often does, on issues of particular importance to the House and to myself. I am pleased to follow the hon. Member for Bath (Wera Hobhouse) and to have heard her contribution.

I look around and see in the Chamber the familiar five Members who attend debates on all these issues, and I see the Minister, who is always there to respond. I have to say that, on the issues we have recently sought his interest in and his support and help for, he has been very responsive. I put that on the record at the start. I also thank the hon. Member for Hove for the hard work he has put into bringing this issue to light and into searching for answers. Perhaps in my contribution I can make some gentle suggestions from a Northern Ireland perspective, based on what we have done in the past, which might be helpful in bringing this forward.

That any person in our free, modern society should think it is okay to ask for sex as a payment of any type is absolutely disgraceful and unacceptable. That should be the starting point of the debate. This subject reminds me of something the BBC would put together: a gritty historical drama set in the Victorian era, in which an enlightened few try to bring about freedom and safety for people of all classes. The problem is that it is not a gritty historical drama but real life in 2018 in the United Kingdom of Great Britain and Northern Ireland.

We have women and men who have nowhere to live and no money to rent and who have escaped the social security system and feel that they have no other option. As the hon. Members for Hove and for Bath said, if we put ourselves in their position and grasp that, we will realise just how far down the level of acceptability they have gone. They are doing something that they do not want to do but that they feel they have no other option but to do. They allow their body to be used so that they have a roof over their head. Sometimes it is as basic and as cold as that.

There are students who cannot afford to do it all and who make the decision to rent a room for free in exchange for sexual favours. I suspect that we all know stories from our constituencies and from further afield—the media is certainly full of them—of the unacceptable
price of rental accommodation and of students with
vast student loan debts. That puts some students in a
position in which they are wondering, “How on earth am I going to afford this?” In desperation, as a last
resort, they are driven towards these unacceptable, but
for them sometimes very real, situations. The thought
of my grandchildren being put into this kind of situation
makes me feel physically ill. I find it abhorrent that
anyone would put a person, either a young woman or a
young man, in this situation. It is unjustifiable and we
must address it. That is why I welcome the opportunity
today to make a small contribution on this issue.

Technically, it is an offence to do what we are discussing.
The previous Lord Chancellor and Secretary of State
for Justice told the hon. Member for Hove that
“an offence is committed when a person offers accommodation in
return for sex, as they are inciting/causing another person to have
sex with them in return for ‘payment’.”
That is technical terminology. It appears to be a reference
to the offence of causing or inciting prostitution for
gain under section 52 of the Sexual Offences Act 2003.
However, that has yet to be tested, which is why I
welcome the indication by the hon. Member for Hove
of what solutions there could be. There certainly needs
to be a prosecution—a test case. If the case is not
winnable, let us change the legislation to stop this
abhorrent practice once and for all.

So-called landlords feel that this is a grey area in
which they can get away with exploiting vulnerable and
needy people or young people, depending on their
circumstances. We must send out a very clear message
from this debate—a cross-party message from the hon.
Members who are here to support the debate. How do
we do that? That question was addressed first by the
hon. Member for Hove and then by the hon. Member
for Bath. Now I will pose it to the Minister, but in
addition to posing it, I will—very gently and positively,
I hope—put forward some suggestions.

Wera Hobhouse: Does the hon. Gentleman agree that
it is useful when media outlets pick up these issues,
because that spreads the message and encourages people
to come forward? It helps them to understand that this
practice is illegal and that if they go to the police, there
can be prosecutions, but people need to come forward.

Jim Shannon: Thank the hon. Lady for that intervention.
We need co-operation, and we perhaps need someone
to take a lead by making a complaint to the police that
can then be taken forward. Sometimes police also need
help to bring about prosecutions and set the example
that the hon. Member for Hove referred to in his
introduction.

As I was saying, how do we send a clear message? I
look to the Minister and offer my humble opinion that
we should strengthen the law so that no one can feel
that this is a grey area any more, as the hon. Member
for Bath mentioned in her intervention. Let us in this
debate, with a statement from the Minister, and more
generally from the House, make this a black-and-white
issue and keep men and women from being exploited in
this way.

In Northern Ireland, we have sought to address issues
such as this through the Human Trafficking and
Exploitation (Criminal Justice and Support for Victims)
Act (Northern Ireland) 2015. The legislation was brought
forward in the Northern Ireland Assembly by my colleague
in the other place, Lord Morrow. The Minister will be
aware of this as part of the background to the issue, and
I hope others are also aware of it, but Northern Ireland
became the first part of the United Kingdom to make
paying for sex a crime, when the legislation came into
effect in June 2015. Anyone caught breaking the law can
be jailed for up to a year and face a £1,000 fine. That is
the sort of legislation that we need here; it is the sort of
legislation that the hon. Members for Bath and for
Hove, and indeed every one of us in the debate, would
wish to see in place.

Let me give an idea of what can be achieved with
such a law. I should say first that allegations may be
made, but an evidential base has to be there as well.
Figures released by the Public Prosecution Service for
Northern Ireland in August 2016 showed that seven
people were referred to the PPS: no action was taken in
three cases, two men received cautions, and the remaining
two cases were being considered by a senior prosecutor.
We have had events at the House of Commons and in
the House of Lords at which we have made information
about that legislation available for Members to look at.

The fact that the Police Service of Northern Ireland
used the legislation to arrest men at the outset sent a
very strong message that this behaviour and abuse of
power is not acceptable and never can be. That message
must be sent out UK-wide, and I sincerely but gently
encourage the Minister to take steps to do that today:
he should make it crystal clear not only that it is not
okay to do these things and that advertising them
publicly as if it were is not acceptable, but that if a
person is found to be exploiting someone for sex in
return for a room, that person will be arrested, will be
fined and will go to jail. The Minister should give the
police something to work with and give vulnerable
people something to cling to. They are protected by law
and, more than that, they are worth more than just a
room for hire.

5.5 pm

Alison Thewliss (Glasgow Central) (SNP): It is a
pleasure to see you in the Chair, Mr Pritchard. I pay
tribute to the hon. Member for Hove (Peter Kyle) for
bringing this issue to the House, because it is very
important, and for his tenacity in campaigning on it
and continuing to raise it. I also pay tribute to the hon.
Member for Bath (Wera Hobhouse) for her work on the
issue.

First, I would like to quote Marsha Scott, chief
executive of Scottish Women’s Aid:

“There is an intersection of poverty and violence against
women. You cannot address one without the other and...I support
anything that helps address those issues.”

The issue that we are discussing is part of the wider
context of violence against women and the misogynistic
treatment by men of women; we need to see it in that
wider context. People are much more likely to find
themselves in this kind of situation now than 10 years
ago, because austerity has meant that the real incomes
of many people are much lower than they were and
people are turning to more and more extreme measures
to make ends meet. It is now a well-trodden and established
fact that austerity has affected women and young people
disproportionately.
I condemn without reservation this phenomenon and those who would perpetrate it. If all of us here today know that women and young people are more likely to be desperate for a roof over their head, we can be sure that predatory sexual abusers are also well aware of that fact. In recognition of that, more than a year ago, the Scottish National party conference passed a resolution condemning this behaviour. I pay tribute to my colleagues Stuart McMillan MSP and Math Campbell-Sturgess, who introduced the resolution.

Our Minister for Local Government, Housing and Planning, Kevin Stewart MSP, has been trying to make progress on the issue as well. The situation with Gumtree and Craigslist described by the hon. Member for Hove also rings true in the Scottish Parliament: Gumtree was quick to come to the table on the issue and say what it was doing, but Craigslist again would not co-operate, would not turn up and would not engage with it. There needs to be stronger action by Ministers here to look at that.

This kind of “survival sex” is spilling out into the lives of increasing numbers of people who would never have considered selling sex and would probably not see it as such—people who may not see the vulnerability to exploitation, coercion and violence that they may be getting themselves into. “Rent for sex” adverts are easily found online. It takes seconds to discover them via a Google search. This is not a practice that people are trying to hide, and there are clearly very few negative consequences for those who exploit others in this way, despite it potentially being a crime, as the hon. Members for Hove and for Strangford (Jim Shannon) pointed out.

The adverts themselves give the impression that there is an equal and mutual, if not quite consensual, exchange of commodities: “You have something I want; I have something you want.” For people facing destitution and homelessness, it could seem like a rational solution to their problems. On the face of it, taking up such an agreement could, for some, be a way of alleviating financial difficulties or a stopgap to get them through a difficult time.

However, it is unlikely that the situation would ever unfold to be a mutually beneficial exchange—it is a gateway to exploitation. It is my fear that rent is offered in exchange for consent, effectively buying it, which diminishes completely the validity of that consent. Once those boundaries have been worn away, the potential for further abuse is huge.

The hon. Member for Strangford mentioned students getting into this situation, and the National Union of Students Scotland has been campaigning vociferously on the issue. Students, perhaps moving away from home for the first time, could be very vulnerable to being exploited in this way. I am concerned that the behaviour of these landlords could well be a path into an even more sinister situation, because once the relationship is established, the concept of choice can soon disappear. The clear and indisputable imbalance of power could lead to coercion, control, and physical as well as sexual violence. A tenant, for want of a better word, in this situation is at the mercy of the landlord’s whims, simply because there is nowhere else to go and little by way of choice. Apart from the practical considerations, there is a risk to that person’s reputation and status. It may be difficult for them to seek help to escape the situation, because of the shame and stigma associated with exchanging sex for rent, as well as the risk of conviction, as the hon. Member for Hove wisely pointed out.

The wording of the adverts themselves reveal a predatory, entitled attitude, which is extremely concerning. Here are a few examples of adverts I found in Glasgow from decidedly creepy men. All of these have come from Craigslist and some of them went up in the past few days. The first says:

“Temporary free room for open-minded females. Please get in touch with a picture of yourself to discuss further.”

A second says:

“Ideally you would be bi or curious and of course respectful”, with possibly free accommodation for the right person.

A third says:

“Looking to share with the right girl with mutually beneficial agreements meaning adult relationship. All board lodgings amenities are free.”

A fourth, which went up on Craigslist only yesterday, says:

“Free room available for a female on occasional basis…discreet.”

Those placing the adverts evidently feel entitled to make demands and emboldened enough to set out their intentions clearly. There is no ambiguity, if we read between the lines. Most are aimed at women, although some are looking for young men. Young people seem to be at particular risk, and this has not come about for no reason. The hon. Member for Bath mentioned housing shortages.

Verena Hobhouse: Is it not the case that while offline advertising is clearly illegal, online advertising is the biggest problem? That is why I welcome the news, as I understand it, that the Crown Prosecution Service guidelines will be reviewed in the new year. I hope the hon. Lady will welcome that too.

Alison Thewliss: I absolutely would, because it is clear that people are able to get away with things in this grey area. For some young people, the threat of homelessness is very real. Under the UK Tory Government, the safety nets have been all but decimated. Housing benefit has been restricted. Even though the UK Government U-turned on their plans to restrict it to 18 to 21-year-olds—something that we never did in Scotland—there are still limitations on single people renting privately under the age of 35. I am 36, and I am not even sure that I would count as a young person, but that seems to be the UK Government’s definition of being young and, therefore, having less choice in the options one can take up.

Those under the age of 25 are not entitled to the same minimum wage as other people, despite the unfairness of this situation being brought to the attention of Ministers by me and by others on umpteen occasions. I draw the Minister’s attention to the Young Women’s Trust “Paid Less, Not Worth Less” campaign, and to the video on its Twitter account of Nia’s story, which outlines how she had to move back home due to low wages. She had the option of moving back home, but not all young people have that option. They may have moved out because of overcrowded housing or other issues, but not everybody can go back home. Some young people may be forced to take more drastic steps. For vulnerable young people who do not have the support of their family, there is an increasing risk of
being drawn into a cycle of sexual exploitation and abuse. Once that is behind closed doors, it can be very difficult for young people to seek help.

Evidence from other countries shows that lesbian, gay, bisexual and transgender youth are a much higher risk category and we should think of them specifically. It is a heartbreaking reality that although legislation and many attitudes have changed, some people’s attitudes have not. A study by the Albert Kennedy Trust showed that LGBT young people make up 24% of the homeless population, which is hugely disproportionate, and often this is due to rejection by their families. That leaves them at a much higher risk of sexual exploitation, and we should be doing more as policy makers to address this.

There is also significant risk to those who have insecure immigration status and no recourse to public funds. People in that situation are very vulnerable and often under the radar, and may face a choice between sleeping rough or doing what they have to just to keep a roof over their head. For women, the prospect of sleeping rough or at least having a roof over their head is a no-brainer. They will take what steps they can to keep themselves off the street, because the risk there is so much greater. This is a further symptom of the hostile environment, and the UK Government ought to be taking the impact of that seriously.

While the flagrant advertising of sex for rent is worrying and upsetting, what is really concerning is the under-the-radar predatory activity that is difficult to find, difficult to measure and difficult to prevent. It seems to me that the best course of action is to make sure that the safety nets are put in place, so that fewer people face the risk of homelessness in the first place. The UK Government must absolutely clear up this grey area in law. It is encouraging that, as the hon. Member for Bath said, CPS guidelines are changing, but we need to see the details and how it will tackle the issue.

The hon. Member for Strangford mentioned the strength of the law in Northern Ireland, which is encouraging. I urge the Minister to engage with the Scottish Government and the “Equally Safe” work that we are doing, which looks very closely at how we can tackle exploitation and violence against women and girls. I thank the hon. Member for Hove for introducing this debate and I look forward to hearing what the Minister has to say.

5.15 pm

Carolyn Harris (Swansea East) (Lab): It is a pleasure to serve under your chairmanship, Mr Pritchard. I offer my congratulations to my hon. Friend the Member for Hove (Peter Kyle) on securing this debate and thank him for his pioneering campaign in bringing this issue to the attention of the House.

Rogue landlords are taking advantage of the housing crisis by offering rooms, quite openly, for free in exchange for “company” or “benefits”—or, to put it more bluntly, for sex. Frustratingly, despite confirmation from the Government that sex for rent is in breach of the Sexual Offences Act 2003, there is little evidence to suggest that any action has yet been taken to punish those preying on innocent victims. I find it unbelievable—despite the Government’s assurances that they are tackling this—that the perpetrators do not even seem to hide what they are doing, yet there seem to be no arrests. If someone goes online it does not take long to find blatant adverts:

“Free rooms to spare for women willing to carry out household chores naked” and

“Flats to rent, tenants with benefits. Must reply with a picture.”

That is illegal. It is sickening exploitation of people who are caught in a spiralling struggle to find the funds to keep a roof over their head, and I ask the Minister how it has been allowed to happen without more thorough investigations and prosecutions.

Action needs to be taken not only against the landlords placing the adverts, who should be prosecuted, but websites such as Craiglist, about which we have heard. On the streets, a pimp would be charged for profiting from the sale of sex, so why is this any different? There is a serious shortfall in the law in this area, which needs to be addressed quickly and effectively, whether by reviewing the law itself, to make it more robust, by better enforcement, or—as I suspect—a mixture of the two. The Government need to look very carefully at just how many people are victims of this exploitation, and do something about it.

I am pleased to say that in Wales there is a strong campaign to tackle the problem. While that campaign has highlighted the sad prevalence of the issue across Wales and the scale of the work required to tackle the problem, it has also been an opportunity to show what can be done when the right people work together effectively for a common goal. Particular recognition needs to go to Katie Howells of Merthyr Valleys Homes, who was a leading figure in the campaign, along with my colleague, Welsh Assembly Member Dawn Bowden, who will take part in the launch next week of a new phase of work to tackle sex for rent with a Wales-wide campaign led by women in the housing sector. Here I stand, again telling the Chamber how good the Labour Government in Wales are.

We all share a responsibility to provide a climate of safety where constituents can find a place to live without fear of what it will cost them, and where those who are being exploited have a place to turn to and confidence that the system will prosecute the perpetrators. We need some assurances from the Government that they will commit to strengthen the law and improve levels of enforcement, so that those offering and facilitating sex for rent receive appropriate sentences and punishment, and so that ultimately we end the scourge of sex for rent in all our communities.

5.18 pm

The Minister for Policing and the Fire Service (Mr Nick Hurd): It is a pleasure to serve under your chairmanship, Mr Pritchard, for what I am sure is the first time. You and I came into this place on the same day, and it is a great pleasure to see you in the Chair.

I hesitate to curtail a promising political career by describing the hon. Member for Hove (Peter Kyle) as a friend, but he and I go back a long way in his previous life. We have worked together extremely well over many years, and I have a great deal of respect for him personally and for how he, as others have said, has tirelessly led this campaign and shone a spotlight on something that is genuinely shocking. I thank all Members who have
placed on the record some of the language used in some of these advertisements. It is striking how brazen it is. That is a real concern, because it is a sign of perceived normativity, which is something we have to reject and counter vigorously, as the hon. Member for Strangford (Jim Shannon) said so powerfully, because of the cost and the damage that flow from it.

The hon. Member for Hove highlighted that sex for rent is part of a broader challenge for us as a society, which is that the internet in particular is enabling a whole set of activities that exploit the vulnerable in ways that are moving extremely fast and that are difficult to control. Anyone who visits the team working against child sexual exploitation inside the National Crime Agency will understand how fast the landscape is changing and the degree to which the internet enables the most pernicious activity and makes it extremely hard to detect and follow the villains.

I have learned a lot in the debate and I share the concern expressed by hon. Members. On the point made by the hon. Member for Bath (Wera Hobhouse), I would welcome further scrutiny by Parliament and by the media. As we know, those mechanisms help to focus minds, sharpen priorities and catalyse action. One thing we cannot do is let this become normal. In London, we are having to counter the profound challenge of the sense of normality around young people carrying knives, which is in a broadly similar space. We cannot let young people grow up feeling that this is normal behaviour; not least because it is against the law.

Let me place on record the Government’s specific position on the offence, rather than relying on ministerial correspondence. Offering accommodation in return for sex is illegal and those who do it can face up to seven years in prison. As the hon. Member for Hove said, in 2017 the previous Secretary of State for Justice confirmed that the practice is illegal by virtue of the Sexual Offences Act 2003. Under sections 52 to 54 of the Act, an offence is committed when a person offers accommodation in return for sex, as they are inciting another person to have sex with them in return for payment. Section 52 prohibits causing or inciting prostitution for gain, and section 53 prohibits controlling prostitution for gain. I should make it clear that we expect every report of this offence to be taken seriously.

It is also important to note that the acts of buying and selling sex are not in themselves illegal in England and Wales. However, there are many activities that can be associated with prostitution which are offences, including activities linked to exploitation.

Peter Kyle: The Minister suggests that any reported offences will be investigated and pursued, but does he accept that one problem is that many people entering into those relationships do not realise the exploitation that they are undergoing or where the law stands, and when they are made aware of it, they are reluctant to come forward because it would mean identifying themselves as a prostitute? Does he accept that we need to tackle the adverts and the people placing them? An offence is committed the second they place them, because that is incitement.

Mr Hurd: Yes. To be clear, the law applies equally online and offline. I will come on to the particular issue of websites. The hon. Gentleman also makes an important point, which should be part of the conversation with the social media companies, about education and information—not just about the law, but in terms of signposting avenues of support for extremely vulnerable people in this situation. We have to counter any suggestion that it is okay, normal or lawful.

To the hon. Gentleman’s point, which was also made by others, about why there have been no prosecutions even though we are clear about the law—I hope I have clarified the Government’s position on the letter of the law and our expectation that it will be enforced and that every report will be taken seriously—the honest truth is that we do not know how many prosecutions specifically relate to sex for rent. In 2016-17, there were 99 prosecutions for controlling prostitution compared with 100 the previous year, but at this point, our data does not provide the details about how many of those prosecutions relate to sex for rent, as opposed to any other controlling prostitution offence. I suspect that the number is very low.

Informed by this debate, I say to the hon. Gentleman that the policing of the matter is led by police forces, with a certain amount of flexibility as to how they apply the law. Obviously, their prioritisation is set by the local crime plan, which is set by the local police and crime commissioner. However, I undertake to the hon. Gentleman to engage directly with police chiefs and PCCs to get a better understanding of their understanding of the law and their approach to enforcing it. Some areas, such as the city he represents, will obviously have much higher levels of activity and risk than others.

We all understand that we are dealing with a landscape of lots of challenges and pressures on the police and the Crown Prosecution Service, but given the seriousness of the issue and our concerns, I undertake to engage with the police chiefs and PCCs to get their understanding and feedback on their interpretation—or rather the interpretation of the law—the priority they attach to it and some of the challenges they face in enforcing the law. The hon. Gentleman unpicking the underlying psychology and the difficulties that some victims of this crime will have in coming forward and collaborating with and contributing to a prosecution was particularly thoughtful and telling.

Jim Shannon: I thank the Minister for what he has said so far and for his positive response to our contributions. I remind him of Lord Morrow’s Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, if he would make this practice illegal on the mainland. We are looking for a way forward, so if he has the opportunity, I suggest that he looks at that Act and what was brought in in Northern Ireland through the Northern Ireland Assembly when the opportunity was there. It would work very well here. There has been cross-party support for it at the events we have held here, so I believe it is something that we could move forward on.

Mr Hurd: I understand the hon. Gentleman’s point, but the law is clear. The question mark is around how the law is being enforced and what difficulties or challenges our law enforcement community and the criminal justice system have. That is what I would like to understand better. My undertaking to the hon. Member for Hove is that I will go and ask those questions to get better information.
I would like to pick up the points the hon. Gentleman made about websites, technology and the online community. Obviously, we have to work closely with those digital technology companies, but it fits into a broader context where there has been movement. Whether it be the previous Home Secretary’s activity, which I observed directly, to challenge the social media companies on their hosting of terrorist propaganda, or what the current Home Secretary is doing to challenge the social media companies to take more responsibility for their content in relation to child sexual exploitation and serious violence, I can see that that is an ongoing and escalating conversation and a challenge to those enormously powerful companies. They were reluctant to engage with us at the start, because they are desperate to avoid taking responsibility for the content on their platforms, but gradually, month by month, year by year, we feel that we are beginning to make progress at last.

The hon. Gentleman compared and contrasted a couple of websites. He described the very quick, active and socially responsible response of Gumtree to his campaign and his correspondence, and contrasted that with the response of craigslist. Clearly, he has a prejudice against sandal-wearing, cappuccino-swilling Californians, which I urge him to put aside for a minute. [Laughter.] However, there seems to be an issue with craigslist regarding its willingness to engage on this issue. I can say that officials have been frustrated in that respect as well.

I put this issue in the context of the other issues where we have been persistent in challenging digital technology companies to wake up to their responsibilities. That is what we are talking about here, particularly if it involves them in some way enabling an illegal act. If they are doing that, they need to be challenged. Again, I give an undertaking to the hon. Gentleman that I will personally engage with craigslist and discuss the matter directly with the Home Secretary, to see what pressure we can apply from the Home Office and the Government to make the leadership of that organisation engage with this issue in ways that up to this point they have absolutely failed to do. I suggest it will cause quite significant reputational damage for them in the future as awareness of this problem grows, both in this place and outside it.

Mr Hurd: I accept the challenge. As a Government we are very clear that more needs to be done to tackle online harms. Following the consultation on our internet safety strategy Green Paper, we are committed to introducing further online safety legislation. A joint

White Paper on online harms will be published this winter by the Home Office and the Department for Digital, Culture, Media and Sport, setting out a range of legislative and non-legislative measures to tackle online harms and setting clear responsibilities for technology companies to keep UK citizens safe.

We are considering the full range of possible solutions and the White Paper will address a wide range of harms, including those that are illegal as well as those that are harmful but not necessarily illegal, and we will develop an approach proportionate to the risks and harms involved. Meanwhile, as I have said, we will continue working to ensure that technology companies meet their responsibilities. We expect all platforms, including craigslist, to have robust policies to remove any adverts promoting exploitation. In general, our approach is to convene, challenge, persuade, and then gradually to lift the big stick of regulation, as far as we can and where that is appropriate. We cannot afford to be complacent. I will engage with the senior leadership of craigslist on behalf of Her Majesty’s Government and I will expect a response from them. If there is scrutiny from parliamentary Committees, I will expect similar respect to be shown by British parliamentarians, representing us as the citizens, who are not least the company’s customers.

As the hon. the Member for Hove and other speakers said, although we are talking about the law and enforcement of the law, surely the key to this issue is, as always, prevention and tackling the root causes. The problem is clearly underpinned by the strata of very complicated big issues, such as financial resilience, including that of young people, income and wages, but also—critically—access to affordable housing.

This is not a housing debate but there is a huge amount of activity across Government to increase the supply of affordable housing. We have increased the size of the affordable homes programme, reintroduced social rent and lifted the housing revenue account borrowing cap for local authorities, and we are setting a long-term rent deal for councils and housing associations in England from 2020. We are also very clear that housing associations and local authorities now need to accelerate delivery and build more affordable homes. We know that takes a bit of time, which is why we are committed to making housing for rent more affordable now, including banning letting fees paid by tenants and capping tenancy deposits. We have to tackle the root causes of this issue.

I will conclude today by making it very clear that the Government share Members’ concerns. The practice of advertising accommodation in return for sex is clearly and profoundly worrying. We are talking about a breach of the law. It is our duty to enforce the law and protect those who are vulnerable from exploitation. And as I have said, the Government will continue to engage with the police to better understand the extent of this practice. I have given some undertakings today, which I will certainly follow up on, and I reiterate my thanks to the hon. Member for Hove and all those who have taken part in this debate for raising awareness of an extremely important and growing issue.

5.35 pm

Peter Kyle: I am extremely grateful to every Member who has taken part in today’s debate. We have shone light on the issue of sex for rent in some detail, not just specifically in the policy area but also geographically; I think we have the whole of the United Kingdom covered.
here today. This problem affects our entire country, with different parts of the country affected in different ways.

I thank the Minister for the open-hearted way in which he has engaged with the debate and for the commitments that he has given. I am not quite sure how he will respond to me, but I suspect—indeed, I hope—that it will be in writing, and perhaps we can follow up with a meeting. He has given a commitment to speak to chief constables and law enforcement agencies up and down the country, for which I am very grateful, so that we not only clarify the law and the response of our police forces to this issue but tackle in a strident manner—in any manner that will make a difference—Craigslist in particular.

If we can crack the Craigslist problem, I think that would restore a lot of people's faith that we in this country can do whatever it takes to protect vulnerable people and that we are entirely on their side. At times like this, people too often feel that we are powerless in the face of global companies, and right now is the time when we should be asserting ourselves. I am therefore very grateful to the Minister and to every other Member who is here for participating in this debate, and I am particularly grateful to you, Mr Pritchard, for your chairmanship.

Question put and agreed to.

Resolved.

That this House has considered the offence of sex for rent.

5.37 pm

Sitting adjourned.
Westminster Hall

Thursday 29 November 2018

[ANDREW ROSINDELL: in the Chair]

Private Rented Sector

1.30 pm

Mr Clive Betts (Sheffield South East) (Lab): I beg to move,

That this House has considered the Fourth Report of the Housing, Communities and Local Government Committee, Private rented sector, HC 440, and the Government response, Cm 9639.

It is always a pleasure to serve under your chairmanship, Mr Rosindell. The Select Committee chose to have the inquiry because of the increasing importance of the private rented sector, which has doubled in size over 15 years. Clearly, more families are living in the sector than ever before, and more people see it as their long-term form of accommodation, whether by choice or because it is the only form available to them.

The Committee heard that 82% of people were satisfied with their accommodation, although when people answer such surveys, sometimes question whether expectations are as high as they might be. If we look at other figures, we see that while non-decent accommodation in the sector fell from 47% to 27% over 10 years, the actual number of non-decent properties has stayed the same—it is a lower percentage of a larger number. Citizens Advice also produced figures showing that 41% of tenants in the sector had waited longer than they thought reasonable for repairs to be carried out, and 800,000 properties had a category 1 hazard.

There are therefore problems, but while many properties might have some problems, other properties are clearly in a really bad state of repair, with some landlords doing little about it—indeed, they almost run a business in properties of that type.

Mr Tammanjeet Singh Dhesi (Slough) (Lab): I thank my hon. Friend for securing the debate. I put on record my apologies because I am unable to stay for the duration of the debate—I am hosting an event elsewhere in this place about a related matter, which is housing rent arrears arising from universal credit.

On retaliatory evictions, the Committee recommended reform of section 21 of the Housing Act 1988. There is a growing body of evidence that section 21 should not only be reformed but abolished. In response to our report, the Government stated that, on the one hand, they recognised “the concerns of the Committee around retaliatory eviction”, but, on the other hand, that they did not accept our recommendation that section 21 needs to be reformed. They said:

“We believe the current legislation strikes the right balance between the interests of landlords and tenants and we have no plans to change the legislation in this way.”

Does my hon. Friend agree that, without meaningful action on section 21, those are simply empty words from the Government?

Mr Betts: I hope that the Minister will come back on that, because we made a clear recommendation, and it would be helpful to have her response to it. The two things go together. Our report called not for the abolition in our report, we tried to focus on those landlords who are not doing the job that we would expect them to do. To divide landlords up, there are the bad ones, who are not good at getting around to doing things in a timely way—they are inefficient, or incompetent to some extent, and are sometimes accidental landlords. There are then the so-called rogue landlords, who have more systematic failings, leaving a large number of properties in an unacceptable condition. Then there are the really hardcore landlords—we ought to call them criminals, because that is what they are. The criminal landlords run a business to exploit vulnerable tenants in unsafe and unhealthy conditions. They are robbing not merely the tenants but the taxpayer, because they are getting money in and yet not providing homes that are fit to live in. We tried to concentrate on how to deal with those landlords, but our report also recognised actions the Government have taken in a number of respects. Quite reasonably, we highlighted actions that they have taken in response to our previous report on the private rented sector. We are pleased with that as a Committee.

Right at the beginning of the report, we refer to the imbalance of power between tenants and landlords, and to how that needs addressing. However, I will not go through all our recommendations. Instead, I will focus on where the Government have said they will do something—whether that is to consult, review or consider in some way—and ask the Minister where that has got to and what we can expect.

On the Deregulation Act 2015, we call for a review of the retaliatory eviction legislation and guidance on how it has worked. The Government did not seem totally enthusiastic about that at first, but they have now said that they will review the Act, looking at its effectiveness in terms of retaliatory eviction and perhaps at bringing in more formal requirements to have longer-term tenancies. The Government have gone a bit quiet on that since their announcement, so where is that review up to, and when can we expect some announcement?

Helen Hayes (Dulwich and West Norwood) (Lab): I thank my hon. Friend for securing the debate. I put on record my apologies because I am unable to stay for the duration of the debate—I am hosting an event elsewhere in this place about a related matter, which is housing rent arrears arising from universal credit.

On retaliatory evictions, the Committee recommended reform of section 21 of the Housing Act 1988. There is a growing body of evidence that section 21 should not only be reformed but abolished. In response to our report, the Government stated that, on the one hand, they recognised “the concerns of the Committee around retaliatory eviction”, but, on the other hand, that they did not accept our recommendation that section 21 needs to be reformed. They said:

“We believe the current legislation strikes the right balance between the interests of landlords and tenants and we have no plans to change the legislation in this way.”

Does my hon. Friend agree that, without meaningful action on section 21, those are simply empty words from the Government?

Mr Betts: I hope that the Minister will come back on that, because we made a clear recommendation, and it would be helpful to have her response to it. The two things go together. Our report called not for the abolition
of section 21, but merely for it to be looked at again. The same is true of retaliatory evictions. The Government are looking at one thing, so will they indicate that they might be prepared to look at the other as well, as part of a joint review?

We also called for a specialist housing court. We are pleased that the Government have now announced a call for evidence on the setting up of such a court. Will the Minister explain what will be covered and the likely terms of a housing court’s jurisdiction? Will it cover section 21 notices or retaliatory eviction? Will it cover tenancy fees, which we have recently had legislation on? Will it cover the issues arising from the Homes (Fitness for Human Habitation) Bill from my hon. Friend the Member for Westminster North (Ms Buck)? Will it go so far as to look at the whole matter of leasehold, which we are discussing in another inquiry? Will the Minister explain precisely what it will cover, or whether the Government have ruled on what it will not cover? It would be helpful to have such information.

The first of two other issues we asked to be looked at was that of five-year electrical safety checks. We are pleased that the Government have announced support for that in principle, but when will we get a clear announcement and action on it? In terms of having carbon monoxide alarms not only in every room with a coal fire but every room with a gas fire, I understand that a working group inside the Department is looking at that. Where has that got to? Every day of delay might lead people to lose their life because of carbon monoxide poisoning, which is easy to stop with a very simple measure. Will the Minister give us information about that as well?

We looked at enforcement and local authority powers. That is clearly important, and we questioned the housing health and safety rating system, as we have done before.

Stephen Timms (East Ham) (Lab): On enforcement, the report makes the point that half of the prosecutions in the country happen in my borough, Newham. In the Committee’s view, what problems are there with the enforcement arrangements that seemingly make it so difficult for the vast majority of local authorities to carry out such prosecutions?

Mr Betts: My right hon. Friend raises a good point. Newham is a trailblazer—I think 50% of the prosecutions in the country happen there. We looked at two main issues in the report: the first is resources. I am sure it is not true that Newham has too much money and does not know how to spend it on other things; I am sure it has many challenges. The second is political will: is there the political will in the council to address these issues? Clearly there was, and still is, in Newham, but in more than half the councils in the country there are no prosecutions at all.

Councils will say, “We adopt a softly, softly approach and try to persuade.” Often that goes on with landlords who are in the inefficient and incompetent but reasonable category. Officers say to them, “You need to put this right,” and they do, but it does not work with the rogues and the criminals. Tougher action is needed. At the end of the day, it is about political will. Clearly, resources are under pressure; there is pressure on care services—the Committee will look at children’s services shortly—and that does mean there is less money for important things such as private sector housing enforcement.

We looked at how easy the powers were to use. I said that the rating system is complicated. Is there a case for bringing in a simpler minimum standard? By and large, the professional officers do not want to change. Landlords and tenants gave evidence that, although the rating system may be understood by most professionals working in the service, it is understood by very few landlords and virtually no tenants. Is a system that is so complicated that no one outside the professional sphere understands it fit for purpose? The Government have done some events, where they have talked to professional officers. There is a division of opinion among them—perhaps the majority still want to keep the rating system—but at least the Government have now acknowledged that there is general support for updating the system, in terms of both the evidence base and the guidance, which is very out of date. Will the Minister tell us how far we have got with that?

One of the landlords organisations that gave evidence told us that private sector housing legislation was based on 150 different pieces of legislation. Everything the Government do—however worthwhile—is built on top of this higgledy-piggledy structure, with no real coherence. Will the Government ask the Law Commission to do an overall review? We made that recommendation in our 2013-14 report. At some point, someone must do a comprehensive review, not necessarily to change the intention of the legislation, but to pull it together as a coherent whole. The Government responded that they will have discussions with the Law Commission. Will the Minister tell us where those discussions have got to?

We raised the issue of fees and penalty notices. The Government say they are at an appropriate level, but the Committee wants them to be raised because, for some of the really bad landlords, the fines levied are a business cost that they write off against the business. Courts should give back the cost to local authorities who take a case. Local authorities’ resources are under pressure; if authorities spend a lot of money prosecuting a landlord and they get the prosecution, the court does not give them back the cost involved. That can be really discouraging. Has the Minister had discussions with her colleagues in the Ministry of Justice on that recommendation?

We recommend the creation of a benchmark system, whereby the different approaches of local authorities could be compared, including the number of prosecutions they take out. We asked the Government to work with the Local Government Association on that. They said they would have talks with the LGA. How far have those talks gone?

The Committee supported the Government’s decision to bring in banning orders. The Guardian and ITV News have publicised the fact that the banning orders are not public. That is not to say that that will not happen, but under the Housing and Planning Act 2016 they are available only to local authorities to tackle problems in the private rented sector. They cannot be made public as the legislation stands. The Prime Minister has committed to change that, but I understand that that needs primary legislation. Will the Minister say whether the Government intend to bring in primary legislation to do that?
Although a local authority may know that someone is banned in another local authority area, knowing whether a landlord is operating in an area and the properties they have is very difficult, because of the lack of information. To make public that a landlord has been banned would cause other people to come forward and say, “That landlord is banned, but he is renting a property down our road.” It would be very helpful if that could be done.

I went to a meeting of the Chartered Institute of Environmental Health in Leeds to talk about our report and the general support for it. Interestingly, Mark Baxter, an environmental officer in Scarborough Borough Council said, “If the Government change legislation, could they go further and insist that when a landlord is banned in court, they have to give the court, for the public record, a list of all the properties they own, manage or have an interest in?” That is an incredibly simple but effective way forward. Once publicity shines a spotlight on these bad landlords, they should be made to help by giving that information, and it should be an offence not to give all the information at that stage. That would be very helpful to get a proper grip on this issue.

Mr Dhesi: My hon. Friend is very generous to give way again. Does he agree that deposits should be capped at three weeks’ rent rather than the current six weeks proposed by the Government? That would mean an average saving of £575 for tenants across England, based on the latest English housing survey data.

Mr Betts: That came up in the Tenant Fees Bill, and the Committee recommended a compromise of five weeks. The Government did not accept it, but we support that recommendation, so as Chair of the Committee I cannot completely agree with my hon. Friend. If I remember correctly, the Government have held a consultation on alternatives to deposits, which is a helpful response to one of our recommendations.

We all agree that we must be as tough as we can be, and tougher still, on bad landlords. I hope the Minister will revisit our recommendation. The really bad, criminal landlords may be banned and have management orders against them, but in the end some of them will find ways around that because it is really profitable for them to do so. They have broken the law once, so they will carry on by ignoring banning orders if they can. Why do we not take the properties off them? Why have the Government resisted that recommendation? The proceeds of crime operate in other spheres. Let us get tough on the bad landlords.

Helen Hayes: Will my hon. Friend give way?

Mr Betts: My peroration was just about finished, but I will let it be interrupted.

Helen Hayes: I thank my hon. Friend. Allow me to add a small example to the point he makes so powerfully. My constituents were evicted from their private rented property after they complained because the bathroom ceiling collapsed over the bath 10 minutes after they had finished bathing their children. I hope the Minister agrees that, in those circumstances, it is not too much of a sanction to confiscate the property from such criminals.

Mr Betts: I hope the Minister will reflect, even if she cannot commit to a change of policy today. These are bad people renting bad houses to vulnerable tenants. They are making proceeds from their crime, so let us take from them the asset that enables them to do that. I hope the Minister will think about that and respond to the points I have raised.

1.49 pm

Mr Mark Prisk (Hertford and Stortford) (Con): It is a great pleasure to follow the Chair of our Committee, the hon. Member for Sheffield South East (Mr Betts), When I was a Housing Minister, I looked at the issue of crooks running beds in sheds and, often, human trafficking alongside. I entirely agree: seize the asset, take the money off them and make them pay for what they are doing.

On the broader issue, the hon. Gentleman made a very good set of recommendations about the Committee’s report. Six months on from the report’s publication and the Government’s response, this is a good time to step back and look at where the Government have got to and at the market as a whole. As the Chair of the Committee pointed out, one in five households lives in rented accommodation. There are many reasons for that—one economic, some demographic and some social. Although many people would clearly prefer to own their homes, we should not ignore the fact that, certainly in my experience, an increasing number of young people prefer to rent. Theirs is a generation that expects to have two or three careers, never mind jobs. It is a generation that rents its music rather than buying it as old fogies—I nearly said the wrong word—like me did. Their expectations are different. When we form policy, we need to think about that generation, too.

As the Chair of the Committee said, the vast majority of tenants said during the inquiry that they were satisfied. We should not overlook that. However, the gap between the majority of homes and the very worst has increased, so I have no hesitation in supporting the Homes (Fitness for Human Habitation) Bill, introduced by the hon. Member for Westminster North (Ms Buck). That will help us to root out the worst offenders.

Put simply, reform of the sector is needed, but it should be focused. We should not be tempted into pretending that every landlord is out to exploit their tenants. That helps no one. We need a consumer-led—tenant-led, so to speak—rental market. That means we need clarity about services and charges, fair dispute and redress arrangements for when things go wrong, greater choice and a more modern housing stock. It means we should encourage the building of more homes for rent and the rectification of substandard homes. It also means—this addresses the point made by the right hon. Member for East Ham (Stephen Timms)—that local authority enforcement needs overhauling so it is consistent and effective. I will come to that in a moment.

One of the report’s key themes was the respective rights of landlords and tenants. One of the main benefits of the Tenant Fees Bill is that it will help to clarify the role of landlords and letting agents. Alongside reforms to money laundering, that will help the market and improve the way it works for people. Our report also sought clarification of the law concerning people’s rights and obligations, including those of tenants. I welcome the reference in the Government’s response to publishing easy-to-understand
“how to” guides for tenants. That is good, but we may also need consolidation. We need the law itself, not just the words that describe it, to be made simpler.

Equally, we legislators should all recognise that laws and regulations are sometimes limited in what they can achieve. They certainly stop bad practice, but they are not good at changing the culture of a business sector or promoting best practice. For that, we need people in the sector themselves to change—we need the practitioners to raise their game. That means we need qualified letting and managing agents who are committed to high standards.

What needs to happen? First, we should require anyone working in lettings and property management to be qualified. Members of the public might be amazed that that is not the case already. Secondly, the scope of those qualifications should not be imposed by the Government but should be agreed jointly with the industry and consumer representative bodies—I think of the Consumers Association as a good example—and forged with professional bodies such as the Institute of Residential Property Management and the Royal Institution of Chartered Surveyors, of which I am a fellow.

We should also grandfather across existing qualifications and ensure that they are part of the new process. We cannot afford to create a new barrier for people who have already committed to being professional. Indeed, there is a shortage of good, qualified people in residential property management for some of the blocks our constituents live in. We do not want to create a problem there, so grandfathering across existing qualifications would be sensible.

Thirdly, qualifications need to recognise not only different roles and levels but the different demands of the private rented sector and the social housing sector. Essentially, what matters is that people are competent to perform their roles financially, technically and of course legally. I also want a culture of continuous professional development to be adopted in the sector so that people keep up to date. Together, those elements, which build on the report, would help to change not only who works in the sector but the standards they maintain. I would be grateful if the Minister specifically addressed those points.

We heard about the standard of buildings and the housing stock, which is a big challenge. It is right that we rectify and improve the bad buildings we have now, but we need to do more than that—we need to build more modern homes to rent. That is why in 2012-13, when I was Housing Minister, I actively promoted a new model—the build-to-rent market. Having attracted billions from pension funds and long-term institutions, that market has blossomed in the past five years. More than 117,000 homes—modern, purpose-built homes that are available on long-term leases and provide services to tenants—are under construction or available to let. As it matures, that market will offer an even broader range of homes and rents, and provide greater choice for tenants seeking an alternative to the old housing stock. I hope the Minister confirms that the Government are committed to continuing to support the build-to-rent sector.

The Committee’s report also highlighted the need for effective enforcement by local authorities, which was touched on earlier. We received evidence—it was some of the most concerning we received—that there is not only a low level of enforcement but huge variability between councils in similar areas. For example, the Residential Landlords Association told us that in 2016-17, although more than 105,000 complaints were made by tenants, councils prosecuted just 467 people. That is less than one tenth of 1%. I appreciate, as Members said, that prosecution is not the sole enforcement action, but it is a pretty good indicator. At less than one tenth of 1%, something is not working.

Enforcement is hugely variable, too. There are 32 London boroughs. One of them—Newham—is responsible for 60% of prosecutions. The Committee heard that six out of 10 councils did not prosecute a single landlord in 2016. David Cox from ARLA Propertymark told us—this is in the report—that laws are passed but they are just not enforced. Part of the problem is a lack of money. That is why we asked the Government to ensure that councils have the money to enforce both current and future regulations.

However, as the hon. Member for Sheffield South East highlighted, this is not just about money; clearly, it is also about local political priorities and political leadership. That is why I strongly support the Committee’s suggestion that there should be a benchmarking scheme. That should be introduced, funded and run by the Government and managed through the Local Government Association. Councils should publish data about the number of complaints they receive, how they are resolved and prosecutions so all of us—our constituents included—can compare the enforcement levels of councils in similar areas. Will the Minister update us on what progress has been made with the LGA on that issue?

Mr Prisk: The hon. Lady is absolutely right. I think it is complex, which is why benchmarking solely on prosecutions is too narrow. She is right to say that it is a constant challenge for councils to judge the resources available, but the different levels of enforcement—even between neighbouring councils in similar areas—suggests to me that the system is not working.

My last point is about whether the report and the Government’s response are in danger of being overtaken by technology—something that both the Committee and the Government will want to come back to, I think. For example, online services such as Airbnb are creating completely new ways for people to find somewhere to stay, ostensibly and originally when travelling on holiday. Equally, the web is now enabling new sectors and services to emerge without local planning permission or any sort of tenancy agreement with local authorities. I have seen examples of both in my constituency. No one is quite clear about how to define such activity, let alone whether it can be regulated. At what point does an Airbnb letting, which was initially for one week but
then becomes two weeks or four weeks, become something more formal? Should those platforms, which enable the transaction, be defined as letting agencies in law?

Some would reasonably say, “Do not interfere, do not meddle”—it would be my natural instinct to say that—but as we tighten up the regulation of the private rented sector, the danger is that the crooks will shift into these emerging markets, creating the potential for the next property scandal. All of us in this place, but the Minister in particular, will need to decide how to ensure that any changes we make are future-proofed.

Does the technological nature of the transaction matter or do we just focus on making sure that we have modern, up-to-date consumer rights? How do we shape the regulations so we do not stifle genuine enterprise? Can the Minister tell us what the Government are doing to think about that? She is always looking at the picture in the round, as any good Minister does, but can she tell us whether the Government would be prepared to look at the issue and whether we as a Committee should consider it in the future?

There are a number of crucial areas where the reform of the sector could make a positive difference not only for tenants, but for landlords. The report sets out a clear picture of the sector could make a positive difference not only at the issue and whether we as a Committee should look at the detailed report that we, as a Committee, produced; and thirdly, to add a few things that I think may hold views that are not contained in the report, but on it, we make sure we proceed by consensus. Individuals have worked with on this Committee over many years—one, to look forward to the Minister’s response.

2.2 pm

Bob Blackman (Harrow East) (Con): It is a pleasure to serve under your chairmanship, Mr Rosindell. I refer the House to my entry in the Register of Members’ Financial Interests; I am a vice-president of the Local Government Association and the owner of a small property portfolio.

I rise to do three things: first, to talk about the situation in my own borough of Harrow; secondly, to look at the detailed report that we, as a Committee, produced; and thirdly, to add a few things that I think are needed. It is pleasure to follow my hon. Friend the Member for Hertford and Stortford (Mr Prisk), with his measured approach and his experience of having been the Housing Minister. Equally, it is a pleasure to follow the Chair of the Select Committee, the hon. Member for Sheffield South East (Mr Betts), who I have worked with on this Committee over many years—probably more than we would care to mention.

On the Committee, and certainly since I have served on it, we make sure we proceed by consensus. Individuals may hold views that are not contained in the report, but it comes from the entirety of the Committee and is produced on a cross-party basis. I warmly welcome the Minister to her place and I hope she will tell us why the Government are not taking forward some of the measures that we have recommended—again, on that all-party basis.

In my borough, the private rented sector is growing dramatically. It used to be a tradition, in outer London in particular, that as people became more prosperous and more likely to commute for longer distances, they would sell their homes and move on, then commute into central London for a job. Nowadays, they tend not to sell their homes. They move on and acquire a new home, but they keep their existing home and rent it out. One challenge that has arisen in Harrow is that large numbers of properties—typical suburban, three-bedroom semis—are now rented out to 10, 12 or in some cases 20 people, who are living in them. This brings the consequences of antisocial behaviour and overcrowding, and quite frankly the people living there are being exploited.

Most people in that position come from eastern Europe. I now have 10,000 eastern Europeans living in my constituency. They are warmly welcomed—they are here to work and want to contribute to the economy—but they are being exploited. Rents of a typical three-bedroom property are in the order of £2,000 per month. If you have 20 people sharing that £2,000, then the rent is not too bad. However, the living conditions are absolutely disgraceful. That is, I think, one of the key challenges.

The local authority has responded by setting up a selective licensing scheme in one ward, which was vigorously opposed by the private landlords concerned for the obvious reason that they thought they would not be able to continue to exploit their tenants. The challenge for the Government when legislative changes take place is, as my hon. Friend the Member for Hertford and Stortford mentioned, that although the vast majority of tenants are satisfied with their position, what do we do about the bad, criminal landlords who exploit vulnerable people and make their lives a misery.

Mr Betts: We have been on the Committee together for more than eight years, and I think we have all had examples of landlords behaving quite badly, not merely in letting properties but in objecting to licensing schemes. It is not just about the regulatory framework, but about the fact that their names will be known, as well as which properties they own and rent out, and Her Majesty’s Revenue and Customs gets rather interested at that point. The cost of that could actually dwarf anything else they have to do, such as paying fees for the licence.

Bob Blackman: I thank the Chair of the Select Committee for that intervention. That is particularly true in the Edgware ward of the London Borough of Harrow, where I asked the council a series of questions about how many registered houses in multiple occupation they had on their books. I was astonished when they told me they had 89 for the borough. I can take Members to roads in Edgware where there are 89 in the road. One problem is the local authority’s resources to deal with these issues, but, more importantly, people just ignore their responsibilities. That has to be dealt with.

I come now to the report itself. I will not deal with the recommendations that the Government have taken on board, because they are fine and we all agree with them. I am delighted that they have been taken on. I worry about some aspects that the Government are not addressing so far. When the Minister replies, will she update us? The Government response was some five months ago and I hope that things have moved on. I will go through the report, looking at the questions that I would like the Minister to answer.

In the Government’s response, the housing health and safety rating system recommendation is partly accepted, but the view is that the Government will review the position in due course. Can the Minister update us on where that review is? The Chair of the Select Committee mentioned the reality of carbon monoxide poisoning and other safety measures in homes. The hon. Member for Dulwich and West Norwood (Helen Hayes), who is no longer in her place, raised a desperate situation in her constituency. The issue is ensuring that tenants’ safety is paramount. Over the time I have served on the Select Committee, we have considered various different aspects of safety, and my concern is that building
regulations and safety regulations do not seem to be being updated as they should, both to protect tenants and to point out to landlords their responsibilities. I would like to understand the Government’s position in that area.

Equally, where the Government and Law Commission are reviewing what legislation could be enacted, the Government say they are having discussions with the Law Commission. That is always helpful, but could we be updated with the results? As I have said, if we introduce legislation we must be careful that we do not put off good landlords from renting out their properties and maintaining good order at the same time as squeezing out the criminal behaviours that are clearly unacceptable.

I turn now to section 21 notices; we will have a debate on that subject next Thursday, I think, and I do not want to rehearse the discussions we will have there, because no doubt the Minister will be answering that debate too if it proceeds as expected.

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler): My Thursdays are your Thursdays.

Bob Blackman: That is welcome.

Let me take up the issue, because we made recommendations on this and the Government have not accepted them, but they agree to keep the issue under review. We have a delicate balance to strike, because the sad reality is that if landlords are in a position where they cannot evict bad tenants, there is a serious problem and they will say that it is not worth being a landlord and letting out the properties.

As the author, promoter and sponsor of the Homelessness Reduction Act 2017 on section 21 notices, I know them in infinite detail. They are deemed to be no-fault evictions, and clearly we need to preserve the position whereby a landlord can get their property back, but at the same time, some landlords seem routinely to issue section 21 notices on six-month tenancies as protection for getting the property back at the end. One solution is to have longer tenancies, with protection for the tenant and for the landlord, with the potential for break clauses on both sides. That seems to have gone very quiet in Government thinking, and I hope my hon. Friend the Minister can update us on where we are going with longer tenancies and protection of tenancies.

There seems to be a suggestion from the Government that retaliatory eviction is a relatively rare occurrence. For those people who gave evidence to us having suffered it, it might have been a rare occurrence but it was a life-changing experience and we must condemn it. Landlords have a duty to keep their homes up to a reasonable and safe standard, and if tenants complain that the property is not kept up to that standard, it is quite right that the landlord should then put it right. If the result is that the landlord evicts the person or the tenants, that is an outrage and we need to ensure that action is taken. At the moment there is not enough protection for the tenants. The Chair of the Select Committee mentioned the specialist housing court, which would be warmly welcomed by both landlords and tenants. If we could have an update on the status of the Government review, that would be terribly helpful and informative to the Committee.

I will say two last things before I sit down. First, we made a recommendation on the local housing allowance, particularly regarding studio accommodation. In London, this is becoming a big issue. Properties are subdivided into small units and put out to rent and the tenants are therefore being exploited. There is a case, which we have made in the report, for taking action in this area, and I would welcome the Minister’s taking some action. I accept that this situation is not necessarily true across the country, but in London it is a serious issue that must be addressed.

Secondly, on penalties for bad landlords and the protection of tenants, although I do not normally read The Guardian, it has provided a very helpful brief in its coverage on rogue landlords and what has happened. The sad reality is that if landlords fail the fit and proper person test and are banned, all their tenants should know about it. That just makes sense. To have a position where a landlord can be banned in one borough but carry on renting in others just does not make sense at all. One thing we need to see is urgent action to introduce a position where landlords are banned and action is taken. I agree that in the most serious cases, a fine just becomes part of doing business, so having the ability to confiscate the property and protect the tenants from the behaviours of rogue or criminal landlords must be the final resort. On that point I will sit down, but I look forward to the Minister’s response and to working with colleagues to improve the position for both tenants and the good landlords in this country.

2.16 pm

Alison Thewliss (Glasgow Central) (SNP): It is a pleasure to join my former colleagues on the Communities and Local Government Committee to debate their excellent report. I can genuinely say that I miss the Committee; if the Committee members know that I have been moved on to the Procedure Committee instead, they will understand quite how much I miss them. The reports we did together on the Committee were very useful and thought-provoking, and the contributions by hon. Members today are indicative of the attitude they take to their work on the Committee.

The report is an excellent piece of work that highlights many issues within the private rented sector in England. I suppose I must be missed from the Committee too: when I was on it, I would try to make comparisons with Scotland, where we have done a huge amount of work in the private rented sector in recent years. I notice that there are some good points of comparison that, if I were still on the Committee, I might have added to the report. I hope to highlight some of those issues here; I know the Minister has come to visit Glasgow before and spoken to some of the professionals in Scotland, so she will understand that there are things we have done in Scotland that may be of use in England also.

I start by mentioning the Private Housing (Tenancies) (Scotland) Act 2016, which came into force on 1 December 2017 and is coming up to its first birthday. The Act made a number of changes within Scotland: it moved tenancies to being open-ended, so that rents were more predictable and there was protection against excessive rent rises, and it included an ability for local government to introduce local rent caps for rent pressure areas, which is important when we see rents spiralling out of control in some places.
The 2016 Act also introduced comprehensive and robust grounds for repossession for landlords, which could only happen in 18 specified circumstances rather than because the landlord felt they wanted to take the property back; they had to meet those tests as well, so that gave protection to both tenants and the landlord. Disputes between tenants and landlords can now be heard in a new specialist tribunal that we brought in to handle them, which is a useful thing for everybody all round.

We also ensured that letting agents have to register and adhere to a code of practice, which goes some way towards what the hon. Member for Hertford and Stortford (Mr Prisk) said about professional qualifications and skills; if there is a code of practice in place at least, then that gives some professionalism to those companies.

I very much agree with what the hon. Member for Hertford and Stortford said about qualifications. An awful lot of people who end up being landlords in the private rented sector did not start out that way. They may have bought a flat as a younger adult and then moved on but kept it and tried to use it to earn rental income, and they may not quite understand their obligations and responsibilities. For a while, buying flats and renting them out became a quick way of making money. A bit more needs to be done to make sure that landlords understand all their obligations.

Mr Prisk: I agree with the hon. Lady about codes of practice, and I am keen to support them. However, I have come to the conclusion that we need to be clear that someone cannot operate in this market unless they have the qualifications. It is rare for me to say something like that. Does she accept that mandating qualifications is actually a stronger move than introducing a code of practice?

Alison Thewliss: Yes, and I am interested to see how that proposal develops. I certainly think it would be useful: it would reassure tenants to know that their landlord had some kind of qualification to put a roof over their head. It might get rid of some of the more criminal elements in the sector as well.

All landlords have to be registered in Scotland—there is no hotch-potch of local registration mentioned in the report—which means that, if they step out of line, they can be banned. We have had problems in my constituency, slightly like those mentioned by the hon. Member for Harrow East (Bob Blackman), of tenants being exploited and lots of people being crammed into one flat. Govanhill in my constituency has a very large private rental sector and lots of rogue criminals. The hon. Member for Sheffield South East (Mr Betts) suggested that “rogue” sounds a bit more casual; I certainly feel that “criminal” is the better word.

In May 2018, five landlords were struck off the landlord register for renting substandard properties, and a further nine were struck off and banned in September 2017. That is all publicised and goes in the press, so there is no doubt about who those landlords are, what they have been up to and the conditions that their tenants have been living in. The Govanhill enhanced enforcement area gives council officials the right of entry into properties if there is any suspicion that they are not up to standard. On their first inspection, only 21 properties met the Scottish repairing standard. When they came back for a subsequent inspection, 175 properties met the standard, so there had been a clear improvement through that process.

Giving local authorities the power to enter flats and do those assessments is quite important in making sure that standards are met. It also gets around the issue of some local authorities not having the political will to do things. If everybody has to be registered across the board, that is at least a first step from which prosecutions can follow, if required. However, I do not think it has been in force for long enough in Scotland for us to be able to tell whether there are postcode lotteries, because housing varies quite substantially in my constituency and in other parts of Scotland as well.

I draw the House’s attention to the Nationwide Foundation’s report on vulnerability among low-income households in the private rented sector in England, because it makes for very interesting reading. It mentions that the proportion of privately rented properties failing to meet the decent homes standard has been falling, but that the number of such properties has actually increased. Numbers and proportion are quite different here. It also highlights, as other hon. Members have mentioned, that most properties that failed had a category 1 hazard—a severe or immediate risk. It should frighten us all if people are in such terrible conditions that their lives could be at risk. I urge the Government to do a bit more to make sure that properties meet those standards.

I also urge the Government to do more on revenge evictions, which our legislation in Scotland has militated against. It is something that we have managed to act on. Generation Rent also produced a very interesting briefing on this. It mentioned that, in 2017, 12,711 evictions by bailiffs happened under the accelerated process under section 21 of the Housing Act 1998, but that that is likely to be the tip of the iceberg. An awful lot of those people will not go through the court process, so we do not necessarily know how many people have actually been evicted. It also points out that two thirds of private renters have no savings. If someone with no savings has just been evicted, the last thing they will want is to go through a court process. They will just not have the means to do so, so they will try to find somewhere else as quickly as they can and move on. We need a better understanding of how many people face evictions through this process.

Moving towards a national database with better data gathering on this issue would be useful in informing what happens next, and the Government ought to think again about that. I am interested in hearing what the Minister says about the things that the Government did not accept from the review. The Committee will continue to push those suggestions, because they are good and solid. We particularly need to protect people from revenge evictions.

Private renting is a growing sector, with more and more people who are more and more vulnerable, including families. It is not only young people renting a flat for a while. There are people who live their whole lives in the private rented sector now because there is a severe shortage of housing in some parts of England. We need to look at how we can better protect those people. The hon. Member for Sheffield South East and others made clear that the cumulative effect of introducing legislation on legislation is that the protections are not where they should be. People need those protections so that they can have some certainty in their lives. Not having that certainty has a huge impact on people’s health, wellbeing
and prospects, and particularly on children if they have to move quite a lot. We need to make sure as best we can that people are protected.

Lastly, I very much agree with the hon. Member for Westminister North (Ms Buck). However, Human Habitation) Bill introduced by my hon. Friend and fines are too small to incentivise legal action in the market and we need to somehow make sure that there is protection within regulations.

2.26 pm
Sarah Jones (Croydon Central) (Lab): It is a pleasure to serve under your chairmanship, Mr Rosindell. This is an important debate, and we have heard some really helpful contributions. I thank my hon. Friend the Member for Sheffield South East (Mr Betts) for securing it and for his leadership of the Select Committee, and I thank the other Committee members who are here. All have raised important points.

I should be clear at the outset that, as hon. Members might expect, the Opposition agree with the Committee’s assessment that the majority of landlords are good. I do not think anybody questions that. They play an important role in the housing system and in our society. However, as the Committee’s report illustrates, the situation faced by a growing number of private renters is intolerable. Most of us here today will see in our constituency surgeries—I certainly do—the horrible things that too many people have to endure. That includes the 800,000 privately rented homes with at least one category 1 hazard, landlords cutting off electricity to vulnerable tenants, and letting agents demanding hundreds of pounds to do things such as view a property.

We need to keep in mind all the time what private renters want, and that needs to be the test for policy makers. I think there are two things: first, people want to rent a property fit to be called a home; and, secondly, they want the same rights and redresses enjoyed by consumers in lots of other areas of society. For many, the private rented sector undoubtedly fails those two tests. Standards at the bottom end of the market are poor. As Opposition Members have said many times, people have more rights when buying a fridge-freezer than when renting a property.

The report identifies some important failings in Government policy that have led us to this point. I will look at two broad areas: the lack of intervention and enforcement, and the imbalance of power between tenants and landlords. On the first, as the report demonstrates, outdated legislation and a lack of enforcement mean that the current system of setting and enforcing standards does not work. We agree that the current legislation is overly complicated. It has built up over many years and has become somewhat hard to navigate and dated. Penalties are not strong enough to deter bad practice, and fines are too small to incentivise legal action in the first place.

We have already heard about the Homes (Fitness for Human Habitation) Bill introduced by my hon. Friend the Member for Westminster North (Ms Buck). However, the Government could have helped its provisions to become law years ago by accepting Labour amendments to the Housing and Planning Act 2016. The fact that so little enforcement action is taken is all the proof we should need that the system is broken. As we have heard, Advice4Renters estimates that just 0.1% of landlords letting non-decent homes are prosecuted each year.

Guardian revealed today that nine out of 10 local authorities failed to issue a single civil penalty notice against a landlord or letting agent last year. It is impossible to deny that the billions of pounds of cuts faced by local authorities have affected their ability to enforce through environmental health and trading standards. I accept the argument that we also need leadership in local authorities, but the extent of the cuts has been very significant and must inhibit what local authorities can do. The fines being so low means that there is neither a deterrent for bad landlords nor an incentive for councils to take action. We share the disappointment expressed by the Local Government Association and others that the Government ignored the Select Committee’s recommendations to improve enforcement through increased fines and powers.

The report was right to express concerns about the situation with landlord licensing schemes. I have seen the positive impact of such schemes in my own borough, where Croydon Council has issued more than 30,000 licences. It is wrong for the Secretary of State to hold a veto over councils wanting to tackle rogue landlords. The Secretary of State has blocked councils such as Redbridge from introducing borough-wide licensing. There is a clear contradiction: Ministers talk about standing up for renters, but their actions prove otherwise.

Let me turn to the imbalance in the private rented sector. The report is clear about the things that need to be done to make the rules fit for purpose and to ensure that they are enforced more, but there are deeper structural issues in the private rented sector. The Committee rightly points out that we cannot draw a clear line and say that there is a small minority of rogue landlords and everyone else is perfect. That would oversimplify the issue and ignore the structural problems that mean that a landlord does not have to be rogue or even breaking the law in any way to make tenants’ lives difficult. There is an imbalance that no court or enforcement authority can solve, because it is part of a system that is fundamentally skewed against private renters.

The system is stacked most heavily against those at the very bottom—that is clear. Permitted development and abuse of the local housing allowance in lockdown properties make a mockery of planning and welfare rules. That is a symptom of a broken housing market. We are failing so badly to build the homes that the country needs that the Government are essentially saying, “Anything will do.” Tenants, left with little or no choice, pay the price, but yet again the Government ignore the Committee’s valid recommendations on this topic.

We could talk more about what needs to be done about landlords refusing to rent to people on benefits. That issue comes up repeatedly in my constituency. I know that Shelter is trying to take some legal cases through the courts to affect that. I will not talk more about that now, but it really is heart-wrenching in constituency surgeries.

Retaliatory evictions are a real concern. They have been talked about today and were rightly raised by the Committee. When 44% of renters say that they will not negotiate over disrepair for fear of eviction, and when charities are having to warn people that raising a complaint
might get them evicted, that is a structural failure in the system. We agree that the current protections are nowhere near robust enough to avoid retaliatory evictions or punitive rent rises. I have seen this happen to my own constituents, as we all have. Labour would go further than the Committee’s suggestion of extending the time limit for protecting tenants from section 21, which the Government seem not to be observing anyway. If we say that section 21 is unfair for those who have made a complaint, why do we accept it for those who have not complained? No-fault evictions are at the heart of the imbalance between tenants and landlords and should be scrapped entirely.

The Government have admitted that they need to do more. They say that they want to rebalance the relationship in the rented sector and give tenants access to redress. But given the record of the Government in relation to renters, people would be right to be sceptical. Consultations, calls for evidence or plans to introduce measures such as a housing court, ombudsman schemes or letting agent regulation are worth very little if they do not result in action. The Department has a bad record in terms of turning consultations into legislation: 185 housing consultations have been launched by the Department since 2010. Too often, consultation fails to translate into anything substantial.

The Government recently announced plans to look at introducing three-year minimum tenancies, which then appeared to be quietly dropped. There is little point in a housing court or ombudsman if tenants do not have rights to protect in the first place. The Department’s record on private renting so far has been to talk tough but under-deliver. The Government have blocked Labour’s proposals to amend the Tenant Fees Bill so that deposits could be capped at three weeks’ rent. As we have discussed, that would mean an average saving of £575 for tenants across England and £928 in London. The current six-week cap has the potential to cost tenants more: we know that the majority—more than 50%—of landlords charge more than the cap. The Department should have the power to set the cap at three weeks’ rent to ensure that tenants are protected. As we have discussed, there is a limit to the ability to understand the level at which the increase will happen over that longer period.

Mr Prisk: The hon. Lady is setting out her party’s views on various issues. A number of people who are good landlords are very anxious about future rents. Would it be Labour party policy in government to cap them or index them?

Sarah Jones: As I was about to say, we would introduce three-year tenancies, and it would not be possible to increase rents above inflation over that period. It is a matter not of setting what the rent would be, but of people having more security in a tenancy and more ability to understand the level at which the increase would happen over that longer period.

Mr Prisk: I take it from that that there could be no tenancy shorter than three years.

Sarah Jones: It is interesting that the hon. Gentleman should say that, because we are looking at developing our policies in this area and have also said that we want to scrap section 21. We need to look at how that would work and what the conditions would be. It is really important to stress, though, that we are not saying that people should have the right to remain in their home indefinitely if, for example, they are not paying their rent or are, in other ways, causing disruption or antisocial behaviour. That is absolutely not the point of what we want to do. There will always be a need for a landlord to be able to evict tenants who are not paying their rent or, for whatever reason, should not be in the property.

We need to find the middle ground. At the moment, there is a problem, particularly in London, and I have seen it in Croydon. When we talk to renters organisations such as Generation Rent, they talk of a cycle whereby people are being evicted for no obvious reason. For example, a landlord might not be an expert landlord, as we have talked about. Someone may have inherited a property or have moved out of London. They might have a property and not really know what they are doing. They might decide to move back in or they might decide to do something else with the property. Then we have a group of people who are constantly having to move because they are being moved on through section 21 evictions, or we have people who cannot afford the rent increases, so they are also having to leave through section 21. An imbalance of power is our starting point when we are looking at policy development. I hope that that answers the hon. Gentleman’s question.

Mr Betts: Is my hon. Friend basically saying that the proposal will be very similar to one that I think Shelter put before the Select Committee in 2013-14, which was to introduce three-year tenancies, with the rent in that period linked to some inflation measure so that there was a clear understanding by both landlord and tenant of how it would progress in the course of the tenancy? The other issue that we raised, which brings us back to the housing court idea, is that if that tenancy proposal happens, landlords do need a way reasonably quickly to get out a tenant who is not paying their rent. Having a housing court might be one way to enable that process to happen and to make landlords more comfortable with longer-term tenancies.

Sarah Jones: I thank my hon. Friend: I did not see Shelter’s evidence in 2013, but, yes, that sounds a reasonable way forward. The absolute starting point, as I said at the start of my contribution, is that we know that most landlords are good landlords. We are not trying to create a system in which they cannot function and cannot evict people when they need to; we are trying to create a system that is fair. The Labour Front-Bench team were fortunate to go to Berlin recently to see, as many people have, the system of renting that people have there and to look at some of the other models. There are lots of lessons to be learned from other countries.

I should make progress. The Guardian and ITV investigation into the private rented sector, which has been talked about and has forced a U-turn from the Prime Minister, is worrying. Despite the Government estimating that there are 10,000 rogue landlords, not a single name, at the time of that investigation, had been added to the database; that was in October, which was more than six months after its launch. One wonders what the point of a rogue landlord database is if the rogue landlords have not been identified. The Mayor of London’s database has more than 1,000 entries. I hope that the Government, through the Minister, can update us on where the rogue landlord database has got to today.

The Government announced that they would give £2 million to local authorities to take action against bad landlords, but that amounts to £6,000 per council.
Meanwhile, the trading standards teams expected to enforce new legislation such as the Tenant Fees Bill have seen enforcement officer numbers go down by 56% since 2009. These teams have faced funding cuts of almost £100 million since 2010. Local authorities overall have had billions of pounds taken away from their budgets. In that context, £6,000 does not feel like enough.

The Opposition recognise that the scale of the challenge means we need a more radical response—a consumer rights revolution. We have a commitment to end unfair evictions. I am proud that my local authority, Croydon Council, was the first to pass a motion calling on the Government to scrap section 21. We have committed to give renters greater security, as we have just discussed, with a three-year cap on rent rises. We want to name and shame rogue landlords and introduce tougher fines for those who fail to meet minimum standards, with those fines funding local authority enforcement work. We would properly support landlord licensing. We also want to see greater powers for Mayors across the country to control rents, if appropriate, in high-cost areas such as London.

Inspired by the system in Germany, we have committed to spend millions to kick-start renters’ unions. I spent time at the Labour party conference talking about that with London Renters Union, which has helped many renters out of situations in which they would have struggled on their own. We want root-and-branch reform of the private rented sector. It is too dysfunctional for us to tinker around the edges. The end result of insecure tenancies, unsafe homes or extortionate rents is staring us all in the face. The end of a private tenancy is the leading cause of homelessness today. There are 1.6 million people in chronic debt, and 120,000 children will wake up tomorrow without a home. That is not to mention the extra 1 million people under the age of 35 who are unable to buy their own home and are forced to rent in the private rented sector. For all of their sakes we should reform the private rented sector.

2.41 pm

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler): It is a pleasure to serve under your chairmanship, Mr Rosindell. I thank hon. Members from across the House for their considered speeches. I congratulate my hon. Friend the Member for Hertford and Stortford (Mr Prisk), on securing this debate. I thank him and all the members of the Housing, Communities and Local Government Committee for their inquiry into the private rented sector and for working with the Government to improve the lives of those living in it.

The private rented sector plays a vital role in providing homes across the country and is an integral element of the Government’s approach to making the housing market work for everyone. As we outlined in our response to the Committee’s inquiry, the sector has changed dramatically over the past decade. Not only has it grown to become the second largest tenure, but it also houses an increasingly diverse range of tenants. It is of great credit to those who deliver and support the private rented sector that it has managed to react to such change, and continues to drive forward improvements in quality, standards and safety.

I want to use this speech to reflect on the Committee’s report and outline some of the work the Government are delivering to ensure that everyone living in the private rented sector is able to build the life they deserve. We agree with the vast majority of the Committee’s recommendations; where differences arise, they are of degree, not kind. Although I cannot cover everything in such a short time, I hope that hon. Members will see how the Government are pursuing a package of measures that will work together to improve the private rented sector. As the Committee cautioned in its report, the Government recognise that they cannot take a piecemeal approach to the sector—they must take a holistic approach to reform.

Successive Governments have shared the opinion that the rights and responsibilities that govern the private rented sector must be placed on a statutory footing. In its report, the Committee raised concerns that the volume of legislation covering the private rented sector could be creating a complex and challenging landscape to navigate, as we have heard again today.

Although the Government share the Committee’s desire for greater understanding, we do not feel that the legislation is in need of the type of root-and-branch reform that the Committee—or, indeed, the Labour party—suggests. Instead, we believe that the challenge for the Government is to help everyone understand the legislative foundations of the sector, to ensure that people can make the best use of these important protections. That is why we are structuring our work to address the key challenges that flow from our overarching objective, which is to rebalance the relationship between landlords and tenants, to deliver a high-quality, fairer and more affordable private rented sector.

To achieve that aim, we need to address a number of interconnected challenges, which the Committee also highlighted in its report: affordability, property standards, enforcement, and the rights and responsibilities of landlords, agents and tenants. I want to use this debate to set out some of the work under way to drive improvements in the sector, how this work links together and the progress made since we responded to the Committee’s inquiry.

A lack of affordable rental property can mean that tenants are forced to accept substandard or unsafe accommodation. That is not a choice that we want anyone to face, so we are working hard to improve the private rented sector to ensure that no tenant faces that choice in the future. We believe that the key to improving choice and affordability for tenants is to build more homes for rent.

To answer the question raised by my hon. Friend the Member for Hertford and Stortford (Mr Prisk), we want to build more homes. We want to build to rent to continue to grow and make a significant contribution to housing supply. That is why the Government introduced the £1 billion build-to-rent fund and the £3.5 billion private rented sector guarantee scheme, to support thousands of extra homes built specifically for private rent. However, we also recognise that house building takes time. That is why we are working to improve affordability and conditions for tenants now.

We introduced the Tenant Fees Bill to protect tenants by capping tenancy deposits and banning unfair fees at the outset, renewal and termination of a tenancy. As well as helping tenants, the Bill will strengthen the hand of good landlords and agents across the UK by levelling
the playing field, driving out rogue operators and ensuring that reputable landlords and are no longer undercut by those who overcharge.

Alison Thewliss: Christopher Mullins-Silverstein, who works in our Whips Office, brought it to my attention that there are quite often disputes around leaving a tenancy. For example, he had to pay for cleaners before he was allowed to leave. The landlord then disputed the fact that the cleaners had been in and done a good job, and is withholding the deposit. He has to pay for additional cleaners plus the deposit, plus an exit fee. Those fees mount up and make it more and more difficult for people to move on to other tenancies, given all the debt that they accumulate.

Mrs Wheeler: Indeed, such stories are legion. That is why we brought in the Bill. Finishing a tenancy is very important and should be done incredibly carefully on both sides, so that that matter does not arise.

It is testament to the work of hon. Members from across the House that the Bill has been so well received and supported throughout its parliamentary journey. I thank the hon. Member for Sheffield South East and the other members of Housing, Communities and Local Government Committee for their detailed prelegislative scrutiny, which served to strengthen the Bill. Although our commitment to improving affordability runs throughout our work, I know the Committee shares our commitment to improving property standards and safety.

I thank the hon. Member for Westminster North (Ms Buck) for all her work in developing and progressing the Homes (Fitness for Human Habitation) Bill. It is an excellent example of cross-party work, which will lead to meaningful progress and strengthen the private rented sector in the future. Under the provisions of the Bill, landlords will have to ensure that any dwelling they rent out is free of hazards, from which a risk of harm may arise to the health or safety of the tenant or another occupier of the property. Where a landlord fails to meet that requirement, their tenant will have the right to take action in the courts. The Bill will give the courts the power to order non-compliant landlords to take action to reduce or remove a hazard, and tenants will be able to seek compensation when landlords refuse to do so.

I will move on, because time is running out and there were so many questions from hon. Members for me to answer. I will do my very best, but if I do not manage to answer them today, I am sure I will be able to write to hon. Members later.

When it comes to the housing health and safety rating scheme—I can never say the acronym HHSRS, which I hate—the Government are explicit that one person in an unsafe home is one too many. We understand the scale of the challenge. We are taking steps to ensure that central Government set out the appropriate standards and that local authorities have the tools they need to enforce these standards. The housing health and safety rating scheme has been around since 2004, and everybody has said that it is very complicated, so we recommend a review. It is the right time to look at it, so we need to put that into practice to see how it needs to be updated.

That fits nicely with the Homes (Fitness for Human Habitation) Bill, which I hope will finish its progress and become an Act shortly.

We are also acting to improve safety. In line with the Committee’s recommendations, we have announced the introduction of mandatory five-yearly checks on electrical installations in the private rented sector. We will introduce legislation for those mandatory checks as soon as parliamentary time allows. We will also give the Government response to the consultation before Christmas. We expect the outcomes of the scoping review for the HHSRS next spring—[Interruption.] I know, I got it that time.

The second stage, which will also be set out in the scoping review, will follow. We expect the outcome of the review on carbon monoxide shortly, then we expect to consult on the proposed changes. An announcement on the next steps will also be made shortly.

On lockdown properties, it is absolutely unacceptable that a minority of rogue landlords exploit the housing system by converting their properties into tiny, unsuitable self-contained units so they can get a higher rate of housing benefit or rent and try to avoid the HMO licensing requirements. The Ministry of Housing, Communities and Local Government Committee and the Department for Work and Pensions are analysing evidence of the relationship between housing benefit, housing tenure and quality. We are committed to working together to understand how we can make best use of our financial levers and existing powers to support tenants and improve the quality of housing, while ensuring value for money.

Many hon. Members have talked about the housing court, which we are very interested in taking forward. Both landlords and tenants have raised concerns about it. Effective and efficient access to the courts is vital for landlords and tenants who wish to challenge bad practice. When all the other options have been exhausted, landlords should be able to recover their properties when they have reason to do so and tenants should live in the knowledge that the court system should protect and support them where needed and not leave them lost in a sea of legal confusion.

We hope the Committee welcomes our recently launched call for evidence, which will gather views on user experience of the courts and how it could be improved. Building on the Committee’s recommendations, our proposals explore whether a specialist housing court would make it easier for all users to resolve disputes, reduce delays and secure justice for landlords and tenants in housing cases. That work not only speaks to the court experience, but cuts across the Committee’s concerns about retaliatory eviction and is a key consideration in our work on longer tenancies.

To be specific, the call for evidence on the housing court was launched on 13 November and closes on 22 January, so it is a work in progress. It is designed to understand the correct use and experience of the courts, so I am looking forward to seeing the evidence put before us when it closes.

On retaliatory eviction and section 21, our position is clear. No tenant with a genuine complaint about the condition of their property should be fearful of retaliatory eviction, which is why we have already taken steps on the matter by legislating to protect tenants from retaliatory eviction through the Deregulation Act 2015. We are also aware that the vast majority of landlords provide well-maintained properties and that, thankfully, only a small number of tenants encounter the threat of retaliatory eviction.
As set out in our recent letter to the hon. Member for Sheffield South East, despite the rarity of the practice, our commitment to protecting tenants against retaliatory eviction is undimmed—what a great word; well done to my officials for writing that. We share the Committee’s position that the Government must ensure that tenants are properly protected from that, which is why we have included the consideration of retaliatory eviction in our consultation on the barriers to longer tenancies, to ensure that we have the most up-to-date information to inform our thinking.

The consultation on longer tenancies closed at the end of August—not that long ago—and stakeholder events were held in September. We are analysing the responses and we will respond shortly. We had a large number of responses—more than 8,000—and it is important to consider them fully, and align them with the workload of our experience in the courts. Considering the volume of responses is no small feat. We are working to provide the Government response to the consultation in due course.

I will move on—I appreciate that I have to leave two minutes for my good friend, the hon. Member for Sheffield South East, to close the debate. Local authority capacity and enforcement has been a key point of the debate. From my experience in local government, I know the vital role that local authorities play in the private rented sector, particularly in enforcement. The Committee called on the Government to support local authorities to make best use of the powers available to them, and to go further, and that is what we are going to do. We have designed our enforcement tools to allow local authorities to retain the financial penalties they raise and drive them back into their teams to fund future enforcement activity, exactly as Torbay has done. Torbay has been extremely successful in enforcement work and receiving fines—indeed, it has employed another officer on the back of the fines that it has already received.

Committee members will clearly also be pleased to hear that we have launched a £2 million fund to support local authorities with their enforcement work. That upfront boost will allow local authorities to grow and refine their approach. The funding came as a direct response to my Department’s engagement with local authorities across the country at our roadshow events throughout the summer. In response, we are creating a compendium of enforcement guidance that will bring all the relevant guidance into one place, along with templates. That will form part of our national training offer to local authorities. Equipped with effective powers and armed with guidance and support, local authorities will become ever more effective in targeting their work to remove bad landlords and protect tenants.

I am running out of time, so I thank all hon. Members for an excellent debate. The way parliamentary time works means that, in effect, it has been six months since the work, and it is great that other stuff has been able to come to fruition in that time. I hope my remarks demonstrate the Government’s commitment to building a private rented sector that works for everyone, that supports good landlords to deliver the homes the nation needs and that provides safe, secure and affordable homes for tenants.

We do not shy away from the challenges facing us and we are aware that we need to support the entire private rented sector if we are going to achieve these goals—taking on Airbnb, if necessary. It is in that spirit that I thank hon. Members for their speeches and questions. I look forward to working with the hon. Member for Sheffield South East and the other members of the Housing, Communities and Local Government Committee in the weeks and months to come.

Mr Betts: Everyone would agree that it has been an excellent debate on the report, and that the report has generally been welcomed. I should have referred to the fact that I am a vice-president of the Local Government Association, which should be on the formal record. As well as thanking hon. Members who have contributed to the debate, I thank members of the Select Committee. As the hon. Member for Harrow East (Bob Blackman) said, as usual we produced our report with a unanimous recommendation, having considered the evidence before us. That is how we try to work.

It is true that the majority of landlords do a good job and offer good premises to tenants, who are satisfied with their homes. Our report focused on the bad landlords who really need tougher action to be taken against them. We welcome many of the steps that the Government have taken, but we want to push them further.

We recognise that there is an issue of resources for local authorities—I think the Committee will look again at local government funding in the new year—and, of course, of available properties. The hon. Member for Hertford and Stortford (Mr Prisk) pushed the idea to the Minister of build to rent, which is absolutely right. We also need more social housing. There is also an issue of political will for enforcement at local authority level, which we referred to. We are looking forward to the LGA’s response to the Government about benchmarking.

It is a pleasure to have the Minister back in her place; we all welcome her. She answered many of the points we raised, but I have noted that we did not get an absolute response to some in the time available. We will write to her next week about them. I thank the Government. We will continue to monitor their progress on our important recommendations and their actual actions on them—not just the words, but the action we want to see in due course.

Question put and agreed to.

Resolved.

That this House has considered the Fourth Report of the Housing, Communities and Local Government Committee, Private rented sector, HC 440, and the Government response, Cm 9639.
International Men’s Day

[Mr Adrian Bailey in the Chair]

BACKBENCH BUSINESS

3 pm

Philip Davies (Shipley) (Con): I beg to move, That this House has considered International Men’s Day.

It is a pleasure to serve under your chairmanship, Mr Bailey. I start by thanking the many colleagues from all parties in the House who supported the application for this debate, and the Backbench Business Committee for finding the time for it as close to International Men’s Day as possible.

I am sorry that the debate is not in the main Chamber and that we have been put back into Westminster Hall, but that is certainly not the fault of the Backbench Business Committee, which tried to make it happen in the main Chamber. The debate was actually allocated time in the main Chamber, but unfortunately the Government did not allocate the time for the Backbench Business Committee to hold it. I certainly do not blame the Backbench Business Committee; I am actually very grateful to them all for taking the time.

I also thank once again all the many people who have been in touch with me to tell me their story or to put forward their organisation’s point of view. I am very grateful to them all for taking the time.

International Men’s Day was actually on 19 November, and for most people I should imagine that it was a case for all of them for taking the time.

Mr Bailey. I start by thanking the many colleagues from all parties in the House who supported the application for this debate, and the Backbench Business Committee for finding the time for it as close to International Men’s Day

One message I have received that links these things together was from someone who said they had been suicidal in the past. They wrote to me and said:

“Thank you so very much for all that you have done for equality by calling attention to Men’s rights issues. I have only recently discovered the men’s rights campaign after seeing a 2011 episode of the US Talk show, ‘The Talk’, in which a majority female panel and audience mercilessly jested at the idea of a brutally violent sex crime in the news, purely because it had been committed against a man.

To see how that, and other things, was acceptable made me want to give up.

Earlier this year I was suicidal. I’ve contemplated it several times before, but have never come so close.

Without exaggeration of ego, I can tell you that you have saved my life.”

An episode of “The Jeremy Kyle Show”, which was along the same lines as the TV show that I have just mentioned, was recently brought to my attention. A woman was explaining that her partner had gone to the bathroom and she discovered that he was cheating on her. She said that when he came out of the bathroom, she hit him in the face. The audience laughed, then clapped and then whooped with delight. That is the reaction of the public to domestic violence against a man. If attitudes need to change, then it is these attitudes that should be at the top of the list. Can people imagine what the reaction would have been if that had been a man admitting to hitting a woman in the face?

Yet that was not an isolated incident. There are many examples of these attitudes to male victims of domestic violence, which to me is like everyday sexism towards men. The crime survey conducted by the Office for National Statistics showed that in the year ending March 2017 more women than men thought it was acceptable to hit or slap a partner if they had been having an affair or cheated. That paints an uncomfortable picture for those who want to portray domestic violence as purely a male problem. Is it any wonder that men are less likely to come forward to be counted and report abuse, especially if that is the social reaction to such violence?

One man who contacted me said:

“My mental ill health started affecting me as far back as 2010 when I was in a relationship with an abusive ex-girlfriend. I was frequently hit, had my bank account drained of money and was often locked in a bedroom with no way of getting out. I got out of the relationship, but it did have a dramatic effect on my own mental health and wellbeing.”

Later on, he was assisted by the Richmond Fellowship, which I believe is a national mental health charity, and he actually ended up working for it. He says:

“Without the support of Richmond Fellowship and Cambridge 105 Radio, I wouldn’t be here now sharing this story.”

This is just one example of a man suffering domestic abuse. On the positive side, it also shows that there are people and organisations out there that can and do help.

Nothing highlights more starkly the apparent lack of concern for male victims of domestic abuse than the Equal Treatment Bench Book, which is used in the courts—by magistrates, for example. It should be renamed, given that its section on domestic abuse has nothing “equal” about it at all. It refers to the number of women killed each week by a current or former partner, without making any mention at all of the men murdered or abused by their current or former partners. It also says:

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[Philip Davies]

“There are a number of significant reasons why women do not leave dangerous partners, including safety”.

What about men? That is a Ministry of Justice publication, for goodness’ sake. I fail to see how publications such as this help magistrates to abide by their sworn oath that they will

do right to all manner of people after the laws and usages of this
realm, without fear or favour, affection or ill will.”

Interestingly, within further breakdowns of domestic abuse figures there are some noteworthy facts that an Equal Treatment Bench Book should perhaps have taken into consideration. For example, according to the crime survey by the ONS for the year ending March 2017, the number of black African men who have suffered domestic abuse is more than double the number of black African women who have suffered such abuse, at a rate of 8.7 per 100 for such men compared with 4.2 per 100 for such women. In the white Irish category, men are four and a half times more likely to be victims of domestic abuse than women, at a rate of 8.2 per 100 of the population for such men compared with 1.8 for such women. There is so much more that could be said about the Equal Treatment Bench Book, but I will resist the temptation to go down that route today.

I move on to the issue of women and men in prison. I have covered this problem in the justice system on many occasions and highlighted the clear bias in favour of women at every stage, yet there are still people who do not want to see any women at all being sent to prison. Setting aside the fact that it is very hard for a woman actually to get sent to prison in the first place, those so-called equality supporters are just showing their true colours. It would almost be easy to confine their comments to the loony bin of thinking if it was not for the unbelievable fact that the Ministry of Justice appears somehow to have been hypnotised by these idiotic suggestions.

The Government’s recently launched strategy on female offenders is completely wrong-headed. One of the justifications for its lily-livered approach to female offenders was said to be that female prisoners were often victims of domestic violence. Having recently tabled parliamentary questions, I can confirm something that people might not expect: there are two and a half times more men than women in prison who have suffered domestic abuse. That is the fact of the matter. In the latest figures, which relate to 30 June 2017, the Ministry of Justice says that 1,626 female prisoners had been the victim of domestic abuse. On the same day, there were 4,146 male prisoners in the same position. Again, that might be an inconvenient truth to the Ministry of Justice, but it is the reality, based on the Ministry’s own statistics.

In another irony, the same parliamentary questions revealed that nearly one in five female prisoners—18%—is a perpetrator of domestic violence. You couldn’t make it up: the Ministry of Justice’s strategy is based in part on women being the victims of domestic abuse, yet the beneficiaries of the policy could well have committed domestic abuse themselves.

All these noises about female offenders, saying how a different approach is needed to deal with women, are supposed to be by way of equality, but nothing could be further from the truth. It is one of the most blatantly sexist, discriminatory things that is happening under our very noses. I should say, before the Ministry of Justice suggest it, that the solution is not letting out male prisoners and rehabilitating them in the community as well, to make it a level playing field. All those people are criminals, and the solution is to make sure that we keep them in prison.

I also want to touch on male circumcision: male genital mutilation. According to a barrister’s opinion, carrying out circumcision on males when there is no medical need—non-therapeutic circumcision—is a crime under the Offences Against the Person Act 1861, being at least actual bodily harm if not grievous bodily harm. In 1983, Lord Hailsham, the then Lord Chancellor, said of female genital mutilation:

“in the case of a minor under the age of 16, there is no possibility that consent is any defence at all. A minor under the age of 16 is not able to consent to the commission upon her of a criminal assault. Neither parental consent nor the consent of the minor would be any defence at all, and if the parents did such a thing, or instigated such a thing or participated in such a thing, it would only render them liable to criminal penalties, too.”—[Official Report, House of Lords, 21 April 1983; Vol. 441, c. 677.]

When I put it to the Government in 2016 that female genital mutilation was already illegal before specific laws on the subject were introduced, they agreed that it was. When I then put to them the position regarding boys, they took a different line. They quoted Sir James Munby, who was the president of the Family Division of the High Court, in a case of January 2015:

“Whereas it can never be reasonable parenting to inflict any form of FGM on a child, the position is quite different with male circumcision. Society and the law, including family law, are prepared to tolerate non-therapeutic male circumcision performed for religious or even for purely cultural or conventional reasons, while no longer being willing to tolerate FGM in any of its forms.”

As the former barrister who I mentioned earlier also said, it would require a parliamentary override for male circumcision to be legal, and that has never existed. No exemptions to the law of the land are permissible for religious or cultural reasons.

The Ministry of Justice went on to say that there was no doubt that female genital mutilation could have a physical and psychological impact on women, and also said that some girls die as a result of the procedure, while no one has reported to have died following a circumcision, and I have seen accounts of the physical and psychological impact of circumcision on men.

I understand that the position of the NHS is that the risks associated with routine circumcision, such as infection and excessive bleeding, outweigh any potential benefits. I am mentioning all this because I believe it should be on the record, not least because of the very different approaches to male and female genital mutilation. The Government said back in 2016 that they had no current plans to change the law in relation to male circumcision. Given everything I have said, there may be no need to change the law to bring about a change in male circumcisions. However, I would be particularly interested to hear from the Minister on that point.

I also want to touch on parental alienation. Men are clearly disadvantaged when it comes to family breakdowns and how children are allocated after those breakdowns. Women are more likely to get custody of the children and, as has been noted on many occasions, men really do draw the short straw in these instances. Parental alienation is a topic that requires much more time than
can be given to it today, but I want to put on record how concerned I am about what is a growing problem in this country. For those not familiar with parental alienation, it is what it sounds like: parents being alienated from their children, usually by the other parent, to the detriment of that parent and the children. In my view, it is a form of child abuse. It can happen for all kinds of reasons, and in some cases it is clearly right that parents are kept away from their children—for example, when there are genuine safety concerns. However, parents—when I say “parents”, it is usually men, in reality—are being kept from their children without justification.

One solution is more use of child contact centres. I recently visited Bingley contact centre in my constituency, which is run out of Bingley Baptist church. It is one of the centres under the umbrella of the National Association of Child Contact Centres, which says that more than 1 million children have no contact whatever with one parent or another after separation. I want to place on record my thanks to everybody who works at the Bingley contact centre. They are all volunteers, and they give up their time week in, week out to make sure that parents get to see their children and—just as importantly, if not more importantly—that those children get to see their parents. It is fantastic to see the reaction of the children when they see the parent who has previously been alienated from them. These centres are meant to be a temporary solution, and they work to give—mainly—fathers the chance to get back into their children’s lives. There is a waiting list for that service in Bingley, and no doubt in other places around the country. That is a shame, as the more fathers who can see their children, the better.

I mentioned everyday sexism against men earlier in relation to domestic violence, but there are plenty more cases that need to be challenged. People may recall the absolute hoo-hah over the Presidents Club charity event. That men-only event was derided because the hostesses were asked to wear certain clothes, and a lap dance was given as a prize. I am sure we remember that all hell broke loose when that event was reported. Even the millions raised for good causes, including Great Ormond Street hospital, were under threat of being returned in disgust.

Fast-forward a few months, and the Daily Mail featured an article about 11 old ladies who invited their daughters and granddaughters to their nursing home for a performance by Hunks in Trunks, complete with numerous pictures of male dancers in the buff, with no trunks in sight. That was of course hilarious, and not seedy at all: women ogling men, women touching men—and those men had far fewer clothes on than the women who were at the Dorchester hotel for that charity dinner, I can assure you, Mr Bailey.

If that had been a bunch of male pensioners doing that with women with no clothes on, apart from a scrap of material, I am pretty sure that the reaction in the newspapers would have been very different. The papers certainly would not have been reporting the story in such a glib fashion. I accept that the events are not totally comparable, but there are plenty of other, similar examples of how we treat men and women differently. adverts that apparently objectify women do not, it seems, do the same for men.

Dawn Butler (Brent Central) (Lab): I am glad that the hon. Gentleman almost admitted at the end of his remarks that the two situations are not comparable. Does he not see the difference between essentially forcing women to look and dress a certain way as part of their job to please men, and a person having a job where they take their clothes off for a living?

Philip Davies: I see the hon. Lady’s point, and I absolutely accept it. I just hope that when the papers report a similar event in reverse, she will say, “Well, that is absolutely fine.” I do not think the reports would have been the same if male pensioners had been doing to women what those female pensioners were doing to men, but if the hon. Lady is saying that she would treat both exactly the same, that is fine; that is all I ask in this particular instance. I just doubt that that would have been the general reaction.

To show how ridiculous these things are, I was recently accused of sexism, and I could not for the life of me think what the lady who complained was talking about until she explained. I had sent her an email in response to her message to me following the mass misreporting that I had blocked the Bill to deal with upskirting, when, in fact, as the Speaker confirmed afterwards, I had done nothing of the sort. I said I was “sorry people just act like a herd without knowing the facts.” She tweeted that I had sent her a sexist message. I was dumbfounded because I could not work out what on earth was sexist about that line. When I inquired, she sent me an email back saying that by referring to the words “people” and “herd” it sounded as though I was referring to women as cows. That is how ridiculous the situation has got. You literally could not make it up.

Then we have the pay gap, which is reported in such a way as to be sexist against men. Although the whole thing is a nonsense from start to finish—I suspect most people who complain about the pay gap have not even the first idea how it is calculated—it seems that a pay gap against women is totally unacceptable and yet a pay gap against men is apparently a good thing—at least, it seems to be, according to organisations such as the Parliamentary Digital Service. On Parliament’s own website, on the release of its figures, it states:

“In the Parliamentary Digital Service...the mean pay gap was -5.21%. The median pay gap was revealed to be -4.16%. This negative gap”—

the fact that men are paid less than women on average in that department—

“illustrates that women have a pay lead in terms of both mean and median hourly pay over men.”

The director of the Parliamentary Digital Service said:

“I am delighted that this first set of gender pay data is so encouraging for women in our organisation and I am proud to lead an organisation which is committed to ensuring equality and diversity in staff, including gender equality.”

So it seems the politically correct belief is that a pay gap is OK if it is against men. That cannot be right. We surely should not want a pay gap at all. Any pay gap must be wrong. We have a part-time pay gap in the UK that has persistently favoured women over men. I never hear anybody complaining about the part-time pay gap in this country, but we have to treat these things equally. If a pay gap is wrong, it is wrong. One cannot be right and one wrong. We can all agree with that.

This is one of the myths that has taken on an untouchable status as evidence of discrimination against women, when it is nothing of the kind, particularly given that
the pay gap is not about paying someone less for the same job, which is already illegal. I wish that normally intelligent people would grasp that and do more to expose this issue for the sham that it is.

Yet again there are many more issues that I would like to cover today, but I do not have time. We have blatant discrimination against men in businesses, organisations and politics, where we are hellbent on having more women. No care is given to how that is achieved, so we now have positive discrimination, which is, as it says, discrimination. People think, not without justification, that women have been discriminated against in the past, but rather than thinking the solution is to remove that discrimination, it seems their agenda is to try to reverse it and say, “We want you to be discriminated against in the way that we were for all those years.” That kind of revenge tactic is what positive discrimination is. [Laughter.]
The hon. Member for Brent Central (Dawn Butler) laughs, but women-only shortlists, which she may have been a beneficiary of, discriminate against men. She thinks it is funny, but the people of Blaenau Gwent did not think it was funny when Labour lost one of its safest seats in 2005 simply because it had imposed a women-only shortlist and denied a good local man with impeccable local credentials the chance of standing. He stood as an independent and won the seat, which had been one of Labour’s safest seats in the country. That indicates the hon. Lady is probably slightly out of touch with working-class Labour voters around the country.

Dawn Butler: What amuses me is how out of touch the hon. Gentleman is when he talks about the hoo-hah over girls as young as 18 years old being forced to wear short skirts and high heels to serve men. He talks about the “untouchable status” of women when we try to get some balance and equality into the system. Without all-women shortlists, this House would not be as diverse as it is, which I am sure the hon. Gentleman has taken offence at.

Philip Davies: I do not really want to get into women-only shortlists, apart from saying that they clearly discriminate against men. There are only two possible reasons to have a women-only shortlist: either the women standing are not as good as the men and therefore need positive discrimination to help them, or the Labour party selection committee is so sexist it would choose a worse man than a better woman. If the hon. Lady believes the Labour party is stuffed with sexists who would choose a worse man than a better woman, I will not disagree with her, but it is hardly a ringing endorsement of people running the Labour party up and down the country. I will not even go on to the barmy idea that our stretched police forces should now extend the list of hate incidents—not even hate crimes—that they spend time on to cover misogyny and maybe misandry, but, in all likelihood, just misogyny.

I hope that the issues I have covered are different from those that others will speak about in this debate. I think the world really has gone mad at times, which is why I am glad that we can have these debates to discuss the variety of issues affecting men. As I have said before, nothing I say on this subject should be controversial in a normal world, yet people who have read or seen things about me might get the impression that I have somehow been unbelievably controversial in simply asking for men to be treated exactly the same as women. It is apparently sexist to ask that men are treated the same as women, but I do not think it is.

Finally, one clear message that I would like to go out today is that men should not feel alone. Whatever their problem, there are people out there who can see their point of view and can help. We politicians are not all blind to the problems that men face, and I hope that men feel reassured that they have a voice in Parliament on all issues and not just those that fit certain politically correct agendas. Also, the vast majority of women out there agree with common sense rather than the politically correct dogma that many people in this House give them as they claim to represent their interests. Together I hope we can make this country a better place for men and women, so they can live together equally happily, being treated the same and not differently simply because of their gender.

Mr Adrian Bailey (in the Chair): Before I call the next speaker, may I make it clear that I want to call the Front-Bench spokesperson at 4 o’clock? You can do the arithmetic as well as I can. If all speakers on the Back Benches take that into consideration, I will be grateful.

3.28 pm

Marion Fellows (Motherwell and Wishaw) (SNP): I am afraid my arithmetic is not as good as yours, Mr Bailey, but I have a fairly short speech. It is a pleasure to serve under your chairmanship. I would like to have said it is a pleasure to follow the hon. Member for Shipley (Philip Davies), and it is good to know that his sense of grievance is alive and kicking.

I know International Men’s Day was earlier this month, but we are debating it today. According to its UK website, the day “provides a fantastic opportunity...to...Highlight some serious issues affecting men and boys and their wellbeing...Make a difference to men and boys’ lives,...Celebrate...men and boys in all their diversity...Have some serious fun”. The day is overseen by six volunteers who are involved in a range of British charities and academia, and all of us should be grateful to them for the hard work that has gone into the day.

I want to start by highlighting one of the serious issues affecting boys and men: mental health and wellbeing. There have been many suicides within my constituency of Motherwell and Wishaw in the past year. As a community we felt helpless, frustrated and confused, and have looked for someone to blame. In our communities the trauma has had a ripple effect, which is still going on. Many departments and agencies have supported our communities and I want to take this opportunity to say thank you. I should say that all the suicides were of young men.

I know from meetings with Chris’ s House, Families and Friends against Murder and Suicide, the Scottish Association for Mental Health and North Lanarkshire Council’s suicide prevention team that much proactive work is already being carried out on suicide. The big question that remains unanswered is why so many people, especially young men, choose to end their lives. Unfortunately it is in the nature of suicide that many
questions remain unanswered. Deprivation, life traumas and mental illness can be key factors, but not everyone is known to agencies before attempting or completing suicide. Men aged 34 to 54 are more likely to complete suicide, and that may often be due to men being less likely to talk about their feelings and mental health. The age group in question is most likely to suffer relationship breakdowns resulting in decreased income, child maintenance payments or turning to drugs or alcohol, which can lead to the stigma of unemployment or homelessness.

The players of Scottish premiership football club Motherwell wear suicide prevention logos on their shirts. Players have made a video to encourage men to open up and talk about their feelings. Suicide prevention helpline numbers are displayed throughout the stadium. MPs need to speak openly about the issues and encourage our constituents to do the same. All my staff have had “safe talk” training, so as to be able to spot the indicators, encourage difficult conversations and signpost for help. Those interventions can save lives. In Scotland one in 10 people at any time is having suicidal thoughts. Thankfully the majority do not act on them, and many seek help.

The Scottish Government have poured money into suicide prevention. We are all concerned for our communities and should be suicide-alert.

Contrary to what the hon. Member for Shipley suggested, I am going to talk about domestic abuse, which knows no boundaries of gender, culture, class, age, sexual orientation, ethnicity or belief. It continues increasingly to affect people in LGBTI+ relationships, members of ethnic minority groups and men. It remains under-recognised, under-acknowledged and under-funded in the communities in question. In my constituency I work with Sacro and Fearless, both of which have received lottery funding. Fearless reaches out to those people who are less inclined to seek access to domestic abuse services. It offers practical support in getting access to a range of supports including housing and health services, and support appropriate to inclusion with someone’s community. Fearless recognises that men too are increasingly victims and survivors of domestic abuse. I thank Nikki Beardsmore and her team for their work in that area.

Male role models are important to young men and boys, and not everyone is as lucky as my two sons were. It was the greatest tribute that my younger son could give his father when he said that his dad’s legacy was the way he brought up his three children, and that he wanted to do the same with his family. Role models are what boys who do not have good dads need. That is why it is important that men in public life—especially first-class sportsmen—take cognisance of the fact that young men and boys adulate and mimic their behaviours. My father was a typical Scot who did not share his feelings and who harboured suicidal thoughts as a result of his war experiences. It affected his entire life thereafter and he only once talked about his service. We need to break away from that stereotypical male buttoned-up approach to mental health and emotions. Men need to be more like women.

Last Saturday I hosted an evening with some girlfriends. We met at 6 and were still talking at 11.30 when male drivers arrived to pick up their partners. We discussed our children and experiences of work. I of course do not have a proper job. I am something of an object of curiosity to those friends, who have known me a long time. They find my status as MP quite puzzling.
have the education and training in life skills to enable
them to get work and have a livelihood in the future.
That applies to both boys and girls, and to young men
and women. However, I would say that because so much
of young men’s identity is invested in their work as well
as their family, it is absolutely vital for them.

I want to challenge not just our Government and our
country but global organisations and national Governments
across the world to take this issue seriously. Some of
them are, but unfortunately an awful lot are not—they
are perhaps concentrating on the needs of the better-off
in their country. They are listening to the people with
the loudest voices, not to the young men and women
who absolutely need jobs and livelihoods for their future.

I shall give just a few examples of what can be done. I
have already mentioned education. As we have heard,
there needs to be much more mentoring so that people
with experience, skills and compassion can talk to young
men and women about their future, and feel that they
are being listened to. That needs funding—I do not
mean lots of grants giving out money with little
accountability: I am talking about loans. The small
business loan scheme, for instance, has been a great
success in helping young men and women set up their
own businesses in this country, but around the world
young men and women do not have access to that kind
of capital. I declare a personal interest in that, having
been involved for a number of years in setting up a
social enterprise in leasing in east Africa. We see young
men and women entering work, whereas previously
they were not able to.

Let us not beat around the bush: in this country,
often it is young men who want to acquire practical
skills. Young women do as well, but it is more often
young men, particularly at the age of 16. We sometimes
find that training and practical skills are not available to
them because there is greater emphasis on the academic
route, and that is the case not just in this country but
around the world. I have seen some excellent programmes,
supported by the Department for International
Development in places such as Nepal and Nigeria,
where there have been opportunities for young men and
women to pick up those practical skills. There needs to
be much more of that—the idea of training in these
skills is often lost in the drive for university education
and academic education, because everybody sees that as
the way forward.

I want to celebrate International Men’s Day and the
role that young men and boys—as well as young women
and girls—play in this country, but let us also remember
that we need to address this internationally and encourage
countries across the world to celebrate this day and the
role that equality for boys, girls, young men and young
women can play in their development.

3.42 pm

Colleen Fletcher (Coventry North East) (Lab): It is a
pleasure to serve under your chairmanship, Mr Bailey. I
commend the hon. Member for Shipley (Philip Davies)
for securing the debate. He has raised many issues, each
of which is probably worthy of long debate. It is difficult
in a debate like this one, which is quite short, to have the
conversations that we really want to have.

I am feminist, and I have two sons. They have brought issues
to me while growing up, and we have always talked
about equality. We are going back a generation—my
sons are in their early 40s. I remember one coming home
from school and saying to me, “It’s not fair—the girls
have a special room where they can go at lunchtime, and
boys don’t have one.” Girls who had their period or were
not feeling well were allowed to go to that room and
have some quiet time, which I tried to explain to my
sons. Should schoolchildren—whether boys or girls—not
feel well, they should have a room where they can sit
down quietly. That is just sensible.

We have to be careful about our language and ensure
that people who have an audience, such as those in the
media, think about what they are saying. Another issue
was picked up just last year. My son and I were listening
to the radio—something was going on in Coventry—and
the presenter commented on some men’s “wonderful
six-packs”. My son was appalled and said, “What if that
was a man on there, talking about what big breasts
someone had?” We have to be careful about the language
that we use, especially in the media and in newspapers,
although we cannot often control what happens there,
and people will always read what they want to.

International Men’s Day is designed to highlight
some extremely important issues—none more so than
men’s mental health and tackling male suicide. I want to
focus on those issues, and this debate gives me the
opportunity to do so. I will always take the opportunity
to talk about it.

Last year, suicide rates among men in the UK were at
their lowest for more than 30 years. While that is, of course,
extremely encouraging, we must not overlook the underlying
statistics, which show that there were 5,821 suicides in
the UK last year. Of those, 4,383 were male suicides,
which means that more than three quarters of people
who took their own lives were men—the rate was 15.5 suicides
per 100,000 men. One such death is one too many. Those
statistics lay bare the scale of the crisis in men’s mental
health, and they also highlight how essential it is for us
to continue to target expertise and resources at understanding
the causes of male suicide and trying to prevent it.

Why is suicide such a highly gendered occurrence? We
know that mental health issues can affect anyone and
are caused by a number of factors, including bereavement,
unemployment, finance and debt issues, family and
relationship problems—as has been said already—social
isolation, low self-esteem, drug and alcohol issues, and
many other personal factors. It is not that men are
necessarily more susceptible to these mental health
triggers; societal expectations have shaped men’s behaviour
in how they deal with—or, more accurately, how they
fail to deal with—their emotions, feelings and wellbeing
when confronted by them.

The malign influence of masculine conditioning—it
shapes the way men are brought up to behave and the
roles, traits and behaviours that society expects of them—
demands that rather than talk about their emotions and
how they feel in times of difficulty, they should instead be silent, manly and strong. That social and
emotional disconnectedness simply adds to men’s vulnerability
and contributes to a higher rate of suicide across the
male population.

How do we tackle this problem? Part of the answer is
to reduce the stigma around men’s mental health and to
encourage men to open up and seek help when they are
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struggling or feeling in despair. In Coventry, the encouragement and the conversations are being initiated by the award-winning mental health awareness and suicide prevention campaign, “It Takes Balls to Talk”. It is the brainchild of mental health nurse Alex Cotton, who is my constituent.

The campaign is a public information programme targeted at male-dominated sporting venues across Coventry and Warwickshire, which uses sporting themes to raise awareness of mental health support services and seeks to reduce male suicide by encouraging men to talk about their feelings. Since its launch more than two years ago, “It Takes Balls to Talk” has played a vital role in breaking down the barriers that prevent men from initiating conversations about their mental health and wellbeing, and from positively engaging with mental health services in my local area. Such targeted initiatives promote positive mental health and make a lasting difference. That is why I am extremely proud of what the campaign has achieved so far and of the work it does across my city and Warwickshire. It is why I support it wholeheartedly.

I want to conclude by encouraging any men affected by a mental health issue not to bottle it up. Those are wise words for anyone. Talk to a friend, a colleague or a family member. Contact Mind, the Samaritans or “It Takes Balls to Talk”. They need to know that there are always people and organisations out there who will listen and offer practical help, advice and support. After all, you know what they say—it has just been said: a problem shared is a problem halved.

3.50 pm

Deidre Brock (Edinburgh North and Leith) (SNP): It is a pleasure to serve under your chairmanship, Mr Bailey. It is great to be here to celebrate International Men’s Day. I know a lot of lovely men and the international ones are my particular favourites. I am very fond of modern European men, although sadly ardent Brexiteers do not seem to share my enthusiasm.

In these days of the #MeToo movement, we are hearing thousands more women’s voices that used to be silent. We have women demanding they are not paid less for the same or similar jobs as men, and women seeking to do their jobs without worrying about being groped or sexually assaulted by their boss. We have women who want to be able to go where they choose and wear what they choose without being attacked and then blamed for it. We hear a lot from women now. Thank goodness we have women demanding they are not paid less for doing their jobs without worrying about being groped or sexually assaulted. We have women demanding they are not paid less for doing their jobs without worrying about being groped or sexually assaulted by their boss. We have women who want to be able to go where they choose and wear what they choose without being attacked and then blamed for it. We hear a lot from women now. Thank goodness we have women demanding they are not paid less for doing their jobs without worrying about being groped or sexually assaulted.

Some men who have long enjoyed the easy comforts of a patriarchal society feel threatened by more women having a say. Their own voice is no longer dominant and their privilege is no longer secure. They are left in a state of confusion by this politically correct agenda. They do not know what is acceptable to say or do around women anymore, now that they may have to account for their actions. They cannot even trust other men to laugh at their sexist locker room banter—too many bisexuals around nowadays! The feminist agenda is seeking to enforce the radical notion that women are equal human beings, and those men’s grip on power has loosened.

Still, there is not too much for the privileged male to worry about just yet. Modern Britain is a long way from gender equality and old stalwarts such as those in the legal profession are keeping the side up. White, privately educated men are still far more likely to rise to the top across the old professions and we have the lowest proportion of female judges in the EU. Those ardent Brexiteers are doing their bit to keep it that way by distancing the UK from that gender diversifying European influence. If men’s voices really can be silenced in this place when still fewer than a third of MPs are women, we must be doing a pretty good job. Imagine what would happen if gender balance was actually achieved.

All joking aside, I am only too aware that many serious health concerns particularly affect men—hon. Members have already touched on them—and that is perhaps the justifiable reason for having this debate. Those issues deserve thorough scrutiny and action taken to tackle them. They include such things as increased risk of alcoholism, earlier mortality and the alarming suicide rates among young men, to name just a few.

Anyone determined to improve the stats might be interested in the findings of a recent report from the World Health Organisation. After studying the figures for 41 countries, it found that places with greater gender equality also had better health outcomes for men. In the most equal societies—measured by such factors as women in leadership positions and educational attainment—the risk of depression among men was halved, suicide rates were lower and there was a 40% reduction in the risk of a violent death. It is official: feminism is good for everyone.

It is not some innate biological differences that cause the different problems men struggle with—anatomical-specific issues aside—but societal pressures. The intense nurturing of a narrow, stereotypical idea about what men should be and how they should interact with women is difficult for many men. It is damaging to their health as much as it is to society’s. The more macho cultures encourage heavy drinking, for example, linking it to increased status and power in a group. On the other hand, speaking out about feelings, as has already been commented on, is discouraged.

There are no simple solutions, but society is shifting. Diving back into the world of the 1950s with its heavily embedded gender roles is the opposite of what needs to be done to improve matters. We must untangle masculinity from the toxic forms that have become so prevalent and let men and boys breathe a bit more easily. For International Men’s Day, the best thing we can do is to stand together in support of feminism and equality because it is good for men’s health. When women’s voices are speaking out for parity of the sexes, they are speaking out for men, too.

3.55 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): It is a pleasure to serve under your chairmanship, Mr Bailey, and a pleasure to sum up for the Scottish National party in this debate. I thank the hon. Member for Shipley (Philip Davies) for his comprehensive opening speech.

International Men’s Day is indeed a significant date on our calendars, although we are a wee bit late with the debate, as it was on 19 November. This annual international event is celebrated in more than 80 countries, including the UK. It was inaugurated in 1999 in Trinidad and Tobago with backing from UNESCO. The theme for 2018 is “Positive male role models”. The UK themes for this year are, “Making a difference for men and boys”
and “How we can give men and boys better life chances”, as my hon. Friend the Member for Motherwell and Wishaw (Marion Fellows) set out.

We have heard much today about why International Men’s Day is so important. The hon. Member for Shipley and my hon. Friend starkly set out the taboo around men who are victims of abusive domestic relationships, and we need to break that silence for men and women. We have heard that the biggest killer of young men across the UK is suicide, so it is extremely important that men and boys alike can access the support they need. We have heard much about that today. It is also important that young men and young boys have positive role models to inspire them—not just famous celebrities or sportspeople, but people in their own families, their own communities or their own orbit living good, decent lives. To that end, we need to continue to encourage men to enter the primary education sector, as well as the secondary education sector.

International Men’s Day must be a far-reaching, big conversation, celebrating the contribution of men to our families, our communities and our country. We must work to ensure that men are more willing to talk about their hopes and fears, and take more care of their health and wellbeing. We have to do more to remove the stubborn stigma that persists around mental health issues and to continue the conversation about it being okay to struggle and about it not being a sign of weakness for a man to ask for help. We also need to make it clear that equality progressing for women does not in any way damage men. W e ha ve heard much about that today. It is important that men and boys alike can access the support they need.

Much has been said today about the male suicide epidemic, and it is not an overstatement to call it that. The falling behind of young men and boys in education is also a challenge. We understand, too, the challenges faced by fathers as new parents or fathers separated from their children, as outlined by the hon. Member for Shipley. There is also the range of other challenges we have heard about today. There is no doubt that men feel under pressure to fit roles and behaviour that society has traditionally defined as masculine, such as not showing feelings and having to seem strong all the time. As we know, that can lead many men into despair and can even damage their mental health, as the hon. Member for Shipley pointed out. That is a culture that we need to change, because it does not help men—it does not help anybody.

On average, men’s life expectancy is four years shorter than women’s. While that gap is decreasing, it is decreasing pretty slowly. Men have a higher incidence of heart disease, strokes, diabetes and obesity. They are 14% more likely to develop cancer than women, and 37% more likely to die from the disease.

As my hon. Friend the Member for Motherwell and Wishaw and the hon. Member for Coventry North East pointed out, the suicide statistics are the most concerning. Some 76% of suicides in the UK are a sign of weakness. It is the biggest killer of men under the age of 45, which is difficult for me to get my head around. Every single day, about 12 men kill themselves across the UK, which demands some kind of response. In Scotland, men are three times more likely to kill themselves than women. The rate is the lowest in the UK, but it is still far too high.

To tackle suicide, we need to ensure that mental health support is available and works for those who need it, and to encourage men who need that help to seek and accept it—we can all agree on that. It will require a tremendous culture change, which I think will take longer than we would like. We know that men are more likely to be reluctant to seek help and are far less likely than their female counterparts to go and speak to their GP about pretty much anything, as my hon. Friend the Member for Motherwell and Wishaw and the hon. Member for Stafford (Jeremy Lefroy) outlined.

We know that, on average, boys do worse in post-educational attainment. That means that we need to ensure that learning experiences for boys and young men take account of their needs and the ways in which they learn, because there is evidence that boys and girls learn differently. As the hon. Member for Stafford pointed out, young men and young women need opportunities to find their way and their place in the world in order to reach their potential, whether they live in the UK or anywhere else in the world.

We know that the majority of children in care are boys. In 2017, 55% of the 14,897 looked-after children in Scotland were boys. That itself leads to poor outcomes, with poor educational attainment. It means a greater likelihood of experiencing the criminal justice system, of dying prematurely and of ending up homeless. It is a stark and worrying picture, which we need to address.

These are complex matters, as the hon. Member for Coventry North East pointed out, but over time we need to demonstrate to those we represent that we are mindful of these things and are actively seeking to address them together. These are not party political issues; they are issues about the society in which we live and how we can work to make it better and make the statistics relating to men better for all our sakes.

I pay tribute to two men’s sheds that have sprung up in my constituency—one for the three towns of Saltcoats, Ardrossan and Stevenston, and one in the Garnock valley servicing Beith, Kilbirnie and Dalry. Those men’s sheds—I am sure that others are springing up in constituencies across the UK—offer support, friendship and skills-sharing. They are run by volunteers and welcome all men aged 18 and above. I have seen first-hand the camaraderie and friendship that men’s sheds foster. They do nothing but good for the men who choose to attend them.

What damages men damages us all, and damages our society. Men are an integral part of all our lives, since we all have fathers, husbands, brothers and sons. Advancing the rights of women is not about doing men down; it is about ensuring that we can all reach our potential, regardless of our gender—men and women together. International Men’s Day cannot be about setting genders against each other, any more than International Women’s Day should be, because that does not help anyone. It is the first-hand experience that all men contribute, and have contributed, to our countries, societies, communities and families, and to recognise the particular, and sometimes unique, challenges that men face.
I reassure the hon. Member for Shipley that I agree that men should be treated equally to women. That is actually all that women want, as my hon. Friend the Member for Edinburgh North and Leith pointed out. I am pleased to have participated in today’s debate, and I look forward to hearing the Minister’s thoughts.

4.5 pm

Dawn Butler (Brent Central) (Lab): It is a pleasure to serve under your chairship, Mr Bailey. I congratulate the hon. Member for Shipley (Philip Davies) on securing the debate, but I think he has done a bit of a disservice to it and to its theme. The hon. Members for Edinburgh North and Leith (Deirdre Brock) and for North Ayrshire and Arran (Patricia Gibson) hit the nail on the head when they talked about a fear of male privilege being taken away, and how the debate should not pitch one gender against another. Equality is equality, and that is what we strive for.

I am pleased that the debate is in its fourth year, and that I have been able to speak in it again on behalf of Her Majesty’s Opposition. As we have heard, more than 70 countries around the world celebrated International Men’s Day this year. I am always happy to appreciate and talk about the positive contributions that men make in society. Today plays a pivotal role in raising awareness of the issues affecting men in the UK, some of which we have heard about.

When we talk about men, we mean all men—the intersectionality of men, including trans men, disabled men, black men, poor men and young men. As we have heard, they suffer from everything from domestic abuse to rape, bullying and forced marriages, to name but a few. Nobody has yet mentioned the rough sleeping rate. In 2016-17, 86% of rough sleepers were male, which is a shocking statistic. We must ask ourselves what we can do as a society to prevent that from escalating and to tackle the issue before us.

One major issue that also largely affects men and was mentioned a number of times by the hon. Member for Motherwell and Wishaw (Marion Fellows) and my hon. Friend the Member for Coventry North East (Colleen Fletcher) is, sadly, suicide. In 2017, 4,382 men tragically took their own lives—an average of 12 per day. We must look at what drives men to take their own lives and at what we can do as a society, and in this place, to reduce that high rate. Mental health plays a huge role, as do poverty, feelings of inadequacy, and social media. Hon. Members talked about health and cancer, and men have a high rate of prostate cancer. It is also a fact that men remain three times more likely to take their own lives than women. Again, we should focus on what we as a society can do to stop that happening. Mental health issues play a huge role in suicide and in homelessness, and disproportionately affect men from diverse communities—I think the hon. Member for Shipley touched on that. According to the Lambeth collective’s black health and wellbeing commission, black men are 17 times more likely to be diagnosed with serious mental health issues.

Other issues, regarding institutional racism, pertain to the diagnosis of mental health issues, such as the overmedication of black men. However, that does not negate the fact that a high proportion of black men suffer from mental health issues. Again, we must ask ourselves what we can do collectively as a society, and in this place, to stop that happening. I should also say that always having to justify themselves against racial stereotyping plays a fundamental role in the mental health of black men.

In 2013, the gay men’s health survey found that 3% of gay men and 5% of bisexual men attempted suicide that year, compared with just 0.4% of heterosexual men. We need to understand the role that we play in society, through our language and our attitudes, in allowing people to feel comfortable in their own skin.

Time and again, we hear the Prime Minister say that mental health will be given parity with physical health, but it seems to be all talk and no action. Money is not being put into mental health. It is so disappointing that mental health funding has been cut and that the number of mental health nurses has fallen by at least 6,600. How can we give parity to mental health if we are cutting the numbers of mental health nurses? We need mental health nurses in schools, in hospitals and everywhere we want to encourage men and young boys to talk about their issues. Every Member of this House must speak up and hold the Prime Minister to account. We must insist that mental health be prioritised and that mental health services be improved for everyone—young, old, male, female, intersex and non-binary. By doing so, we will prevent more people from taking their own lives.

One campaign that I supported this year was for Albert Trott to be recognised with a blue plaque. Albert Trott was a talented cricketer who played for Middlesex, Australia and England and who lived in Brent, my constituency, between 1897 and 1911. He is famous for being the only man ever to hit a ball over the pavilion at Lord’s—a great feat. Sadly, after his retirement he suffered from depression and mental illness. In July 1914, at the age of just 41, he took his own life. Some have alleged that he may not have been recognised for his accomplishments because of the stigma surrounding suicide and mental health. I am clear that Albert Trott should be celebrated and recognised. There should be a blue plaque in his name; perhaps it could even make mention of mental health to raise awareness of the issue, especially in professional sports.

Currently, no footballers in the premier league have publicly come out as gay. That is a sad situation—just imagine the anxiety and the turmoil for footballers who are gay. I am pleased that most of us in this House have agreed to make homophobic chanting at football matches a criminal offence. The Football Offences (Amendment) Bill will receive its Second Reading in January 2019 and I hope we will vote to make it law. We must do more to ensure that people are free to be their true and authentic selves at work, at home and in the street.

Let me mention a few names of people at the forefront who have used their fame to highlight the issue. Reggie Yates has done some amazing work on mental health and on what prison does to the mind. I was so impressed by hearing him speak and speaking to him. We need to do more to support him in encouraging black men to speak up. He has worked with #GramFam and CALM—the Campaign Against Living Miserably, which helps young men in regard to mental health. I could mention so many more people, including Stormzy, Zayn Malik and Gareth Thomas, who came out after retiring and who recently suffered a homophobic attack and was brave enough to speak about it. I am grateful to them...
all for sharing their inspirational stories, which remind us that we need to talk about men and celebrate good men.

I know that time is short, Mr Bailey, so I will conclude. There is no shame in being caring. We have heard today about how we want to encourage men to talk and share their feelings. Let me end with a reply to the hon. Member for Shipley, who asked me about the standard of women MPs. I want him to listen very carefully to this: I look forward to the day when there are more rubbish women in this House. I look forward to the day when there are as many rubbish female MPs as rubbish male MPs, because only then will I know that we have reached true equality.

4.13 pm

The Minister for Women (Victoria Atkins): It is a pleasure to serve under your chairmanship, Mr Bailey. I hope that I can start my speech on a slightly more positive note than that on which the hon. Member for Brent Central (Dawn Butler) ended hers, although I understand how she meant it.

I thank my hon. Friend the Member for Shipley (Philip Davies) for securing this debate and for his continued commitment to shining a light not only on the pressing issues that men and boys face, but on the issue of equality. Having observed him in the Select Committee on Justice, the Women and Equalities Committee and the Chamber, I know that it is striving for equality that motivates him. He may occasionally attract attention by spreading that message—with which I am sure we all agree—in ways in which other Members may not express themselves, but none the less he does it in a way that shines a light on it. If I may say so, he is also an extremely efficient speaker; I counted at least seven huge topics that he raised in his speech. I hope he will forgive me if I do not address each and every one, but of course I will write to him on issues that I do not cover.

I thank hon. Friends and Members from all parties for their contributions to this important debate. I am pleased that it is now in its fourth year, which marks its firm importance in this House. I was struck by the aims that my hon. Friend the Member for Shipley set out for International Men’s Day, including the admirable aim of promoting male role models, a theme that the hon. Member for Motherwell and Wishaw (Marion Fellows) spoke very movingly about. She shared with us the incredibly important legacy of her husband, and her son’s thoughts on it.

Celebrating men is another aim of the day. My hon. Friend the Member for Stafford (Jeremy Lefroy) gave us an international perspective based on all his work around the world helping the most deprived communities and trying to spread equality and fairness. I am particularly grateful that he was able to contribute to the debate.

Promoting gender equality is also an important part of International Men’s Day. I sense from all the speeches made today that we are united in that aim. We know that rigid gender stereotypes can and do inhibit people’s choices even that liasons. When stable young boys and men can be held back from reaching their potential and, more widely, from becoming the positive role models that they can be.

The hon. Member for North Ayrshire and Arran (Patricia Gibson) mentioned the important role that male teachers can and must play in education, particularly primary school education. I do not think that everyone here feels, as I do, that the lack of male teachers is a sad fact about our primary school system. We are desperately trying to improve the situation, because we know the hugely positive effect that male teachers can have on boys and young men.

We all believe that it is crucial that we work together to champion gender equality in business, in politics and in our communities, because creating a more equal society in which everyone can participate and thrive benefits us all. My hon. Friend the Member for Shipley asked that men be treated equally to women. I am tempted to say with a wry smile that I wonder whether men would like to constitute fewer than a third of roles at board level, as women do at the moment. That is why we have the Hampton-Alexander review—not because we are trying to push men out of boards, but because we are trying to ensure that women are recognised in the workplace and achieve their potential on merit at the highest levels of business.

Quite rightly, hon. Members’ speeches focused on probably the most pressing issue that men and boys face in the 21st century in our country: mental health. Very sadly, as we have heard, rates of suicide are much higher among men than among women and suicide is the leading cause of death in men under the age of 50. Colleagues have already set out some thoughts on why that may be so. I am sure we agree that we need to do more to ensure that men can feel comfortable talking about their mental health needs. That is not just a point for us to discuss in this place; it is a societal change that needs to happen.

The Government want to push forward and achieve parity of esteem for mental health. We are doing that in a number of ways, including investing more than ever before in mental health—spending is estimated to have increased to just under £12 billion—as well as introducing the first waiting times standards for mental health, to ensure that more people get timely access to the treatment that they need. The five-year forward view for mental health will ensure an additional investment of £1 billion by 2020-21. An extra 1 million people will have access to mental health services. There is additional investment to improve mental health crisis resolution services in the community, to improve perinatal mental health and to ensure that there are liaison mental health services in general hospitals to support people in mental health crisis.

Many excellent organisations have been referred to, including CALM, Time to Change, Men’s Sheds and so on. Those organisations are all helping men and boys in our constituencies to make contact with each other, reach out and, I hope, deal with some of their problems.

Colleagues have also raised domestic abuse. I make it very clear that everyone deserves to feel safe at home. Home for all of us should be a place of safety, kindness and love. We know that domestic abuse can happen regardless of gender, wealth, background, geographical location and so on. That is precisely why the Government are bringing forward a draft domestic abuse Bill this Session to tackle the terrible scourge of domestic abuse.

My hon. Friend the Member for Shipley will be pleased to know that the Bill is of course gender-neutral, because I fully recognise, as do the Government, that
men can be victims of domestic abuse. However, I must place that in context: the reality is that a disproportionate number of victims are women. According to estimates from SafeLives, in 2016-17, 95% of victims were female. I do not say that to create controversy; I say it as a fact—and that is why so many services are focused on helping female victims. The most serious cases show us that the vast majority of victims are female, but I do not for a moment take away from the point that men and boys can be victims as well.

My hon. Friend mentioned the interesting statistics on offenders. He is extremely consistent and persistent in his campaign in this regard and wrote to the Ministry of Justice about the statistics for offenders in prison. His statistics are correct—1,626 female prisoners and 4,146 male prisoners have been victims of domestic abuse. I am obliged to put that in context. There are 3,287 female offenders and 68,827 male offenders in prison, which means that the percentage of domestic abuse victims in the prison population is 49% for women and 6% for men.

In terms of prisoners who are perpetrators of domestic abuse, 18% of female prisoners are identified as ever having been a perpetrator of domestic abuse or violence; 34% of male prisoners have been so identified. A great deal of our work on the Bill and the package of non-legislative measures that we are bringing forward will be to focus on the impact that domestic abuse has on children, as well as on people who end up in prison. We want to see whether there are things that we can do to help ensure that the cycle of violence is broken so that the prison population is not peopled with victims and perpetrators of domestic abuse.

The hon. Member for Brent Central raised the important issue of homelessness and rough sleeping. Men are more likely to end up sleeping rough for a variety of reasons, including higher rates of interaction with the criminal justice system and higher rates of alcohol and drug abuse. We are determined to tackle all forms of homelessness, including making sure that people in temporary accommodation are getting support to keep a roof over their heads.

We are investing more than £1 billion by 2020 to support those efforts and have been implementing the Homelessness Reduction Act 2017, which requires councils to provide early support to people at risk of being left without anywhere to go. Our rough sleeping strategy is an ambitious package, which will help people who sleep rough now and helps to put in place the structures that will end rough sleeping once and for all. We want to make sure that we get to the root of the unique problems in every local authority and tackle the very complex range of reasons why people sleep rough.

My hon. Friend also mentioned the very complex issues of female genital mutilation and male circumcision, and I very much understand why he raised that. Female genital mutilation is illegal and the range of ways in which a little girl can be mutilated is, frankly, horrific. I take the point he raised about male circumcision. I will consider that and will write to him, because I would not wish to address such an important matter on the fly.

My hon. Friend concluded his speech by wishing that we could all live together equally in happiness. I finish by saying that I think we can all agree on that.

4.29 pm

Philip Davies: I thank you, Mr Bailey, for chairing our session today. I thank everybody who has attended and spoken in the debate. I am sure everybody would agree that we have had some fantastic contributions, from Members from all parts of the House.

I am glad that people were able to give a plug to some of the initiatives in their constituencies, such as “It Takes Balls to Talk” in the constituency of the hon. Member for Coventry North East (Colleen Fletcher) and the men’s sheds in that of the hon. Member for North Ayrshire and Arran (Patricia Gibson). I thank everybody for their contributions. Everybody has raised different elements or issues, all of which are very serious. The hon. Member for Coventry North East said that there was not much time to talk about these things, and I hope we will have longer in the future. We might have lots of men discussing issues, but we do not often discuss men’s issues.

4.30 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).
Westminster Hall

Monday 3 December 2018

[Mr Philip Hollobone in the Chair]

EU Membership: Second Referendum

4.30 pm

Paul Scully (Sutton and Cheam) (Con): I beg to move,

That this House has considered e-petition 226071 relating to not holding a second referendum on EU membership.

It is a pleasure to serve under your chairmanship, Mr Hollobone. As of about an hour ago, the petition had 122,320 signatures. It follows a number of petitions that we have considered on Brexit over the last couple of years. Recently, we debated having a second referendum—I cannot remember how many signatures that got. For the purpose of Hansard, I will read the full wording of the petition:

“Stop possible second referendum on E.U. membership. There is a growing band of people that want to reverse the result of the democratic vote of this country to leave the European Union and are calling for a second referendum. This is mainly by the people that lost the vote two years ago and cannot accept the democratic vote of the majority decision. Although not legally binding the referendum on whether we stay or leave the EU carried out on the 23rd June 2016 was the clearest indication of the will of the electorate. At that time our Prime Minister David Cameron assured us that the result of the referendum would be carried out. We must ensure the democracy rules”.

I could sit down, having said that I agree with every word and that that is the Government’s policy, but you will rely on me, as a Member of Parliament, to expand a little, Mr Hollobone. In the Petitions Committee we bring petitions to debate to allow people to have their voice, and the debate is part of the campaign—it is not the end result. Having this debate will not end the debate about Brexit, not least given that we are about to embark on a large exercise in the main Chamber as of tomorrow.

I appreciate that there is strong feeling on either side. Some people are passionate about pretending that the referendum never happened—they wish that they could wake up with Brexit having gone away. Other people just want to leave tomorrow, perhaps because they are ambitious for this country and want to look for global trade; there could be any number of reasons why they wanted to leave. But there is a great chunk of people in this country who are sitting in the middle.

I had a moment of clarity this time last week while I was chatting to a couple of friends. One said, “Can we please just get Brexit done? I’m so bored with it!” The other chap looked up from his phone and said, “Would you like to see a video of my dog singing with a tennis ball in its mouth?” Brexit sits firmly behind the love of his dog, the trivial stuff on the internet, “I’m a Celebrity...Get Me Out of Here” and “The X Factor” final. All those things divert people’s attention away from the wall-to-wall noise about Brexit.

Next week, we will take one of the most important decisions—if not the most important decision—in this place. Over the next few months we will steer this country out of the European Union in an orderly way, to ensure we have a bright future and our best years over the next 40 or 50 years. That is why that decision was taken. The choice was clear. It was an unambiguous vote: do we want to stay part of the European Union, or do we want to leave the European Union?

I remember leading a petition debate when the Government spent £9.4 million on a leaflet that said that they would adhere to the result of the vote. The leaflet laid out clearly the Government’s position on Brexit, and 17.4 million people voted to leave. After that, 499 Members of Parliament voted in favour of invoking article 50, and 122 voted against. A clear majority legitimised that referendum. People say the referendum was advisory, but we took the decision in this place to abide by the result and to invoke article 50.

Mike Hill (Hartlepool) (Lab): I have been lobbied by many constituents who are in favour of a people’s vote or second referendum. However, the number of people who want out remains high. Does the hon. Gentleman agree that the will of the people in high leave areas such as Hartlepool has changed, but not enough to support the call for a second referendum?

Paul Scully: The hon. Gentleman makes an interesting point. People speculate either way about polls they have read. There are studies dressed up as polls about what would happen now if there was a second referendum, predominantly because a lot of money is funding the campaign for the so-called people’s vote and that money has to be justified somehow. The hon. Gentleman is absolutely right that people had their voice heard and want us to get on with the job they tasked us to do—they gave us that mandate. That is really important. I campaigned to leave and voted to leave, and I take my responsibility seriously to ensure that we get out in the best way possible and in as orderly a way as possible. I understand that 48% of people did not want to go, and that we want to be able to trade with European Union partners beyond Brexit. That is why we need the whole gamut, rather than me sitting in my corner saying, “Yay, I won—fantastic! I’m off now.” That is not realistic. Inevitably, there will be complexities and compromises. We have to factor all that in, but that is what we are put in this place to do. It will test the mettle of many of us over the next week and a half, as we wrestle with some very complicated and important decisions that will have an impact on this nation for many years to come.

On the mandate, both the main parties pledged in their 2017 election manifestos to respect the result of the referendum. Eighty per cent. of the electorate voted for one of those two parties. That shows that the two parties have taken people with us as best we can, and that people want us to get on with the job—they have tasked us with the responsibility.

The draft withdrawal agreement and the political declaration will allow us to respect the referendum result and get out of the EU in an orderly manner. The choppy times we have had over the last couple of years and that undoubtedly are coming up are not due to a lack of mandate. Largely it is remainers who are trying to wish away the result. After the referendum, many people said, “Cripes, the debate was way too really divisive.” Now they are saying, “I’ll tell you what—let’s just do it again.” That makes no sense. We have a responsibility. Many of us may have gone to a
family gathering and seen a new baby or young child, played with it and got it excited, and then handed it back crying to its angry parents. I will not hand back this Brexit baby to its parents, because we have a responsibility.

Even if we choose a second referendum, we have run out of time to have one. Trying to get the legislation through would be an absolute nightmare. We would have to do it within a month or six weeks, but with Christmas coming up that would take us well into the new year. Can we even imagine what the referendum question would be? People would say that remain should not even be an option on the ballot paper because we have had that discussion and leave won. They might say, “Why don’t we choose whether to have the deal as proposed, or no deal and leave on World Trade Organisation terms?” Other people would say, “Let’s have a three-way choice of the deal on the table, no deal or remain.” That would be so complex.

Let us say that the remain option got 40% of the vote, the Government deal got 30% and the leave with no deal option got 30%. Clearly, remain would win and we would stay in the EU—if that was even possible—but 60% of people would have voted for one of the leave options. That would cause a huge democratic deficit: a constitutional crisis. That is why the question itself would be a problem if we went down that road. Who is to say that the debate would be of any better quality? Frankly, I suspect we would have one group shouting, “Vassal state!” and another shouting, “Cliff edge!” back. There would be a lot of heat, but I do not think much light would be shed on the issue. Clearly, we need to move on and bring ourselves together. Let us not ask again, but understand why people voted the way they voted in the first place.

Graham Stringer (Blackley and Broughton) (Lab): The hon. Gentleman is making a significant point. The question in the 2016 referendum was very simple—“Do you want to be in the EU or out of the EU?” The deal, which is 575 pages and an addendum—I tried to read it, without success—is a much more complex item to put to the electorate. Given that remainers say voters did not understand the original proposition, does he agree that the argument that the question in a second referendum would be simple and the electorate would understand it is ridiculous?

Paul Scully: The hon. Gentleman makes some very important points. There are complexities that we need to debate in this place. I suspect that boiling 575 pages down to a relatively simple question on a ballot paper would be difficult. We need to understand and put across to people what the withdrawal agreement actually does.

There are many reasons why people voted to leave, but they relate predominantly to sovereignty, immigration, and trade and future prosperity. Clearly, lots of people do not think the withdrawal agreement is perfect. I certainly do not, but I can deal with it, because it means that we will leave the EU’s political institutions, which is fundamental to our leaving the EU, and we will stop paying huge membership fees. That is all in there. It will be up to us, as a sovereign state, to opt back into things and accept joint sovereignty.

Anyone who was driven to vote to leave by immigration will see that ending free movement of people is in the agreement, and those who were motivated by our future prosperity will see that it means we will be able to start negotiating our own trade deals. That is a work in progress—the second bit of the negotiation will determine when we can crack on and implement those trade deals, but we will be able to start negotiating them right from the off. I have to say to the friend I referred to who is bored of Brexit that we are only halfway through the process, so he has another couple of years to go while we agree our future relationship.

Let us not be distracted by a people’s vote—a second referendum. Let us concentrate on what is in front of us: on getting the best deal possible in an incredibly complex set of negotiations, which have to satisfy different people. There is no perfect Brexit, so we need to chart our way carefully through choppy waters, take our responsibilities seriously, get rid of the egos and the ideological positions, and work out what is best for the country. Let us not be distracted by a second referendum.

4.44 pm

Graham Stringer (Blackley and Broughton) (Lab): I am disappointed by the number of people who have turned up to the debate. I came to listen to it because I spoke in the debate on the counter-proposition—that there should be a second referendum—two weeks ago. This is one of the most important constitutional issues of our time, so I expected more right hon. and hon. Members to be present. However, I am grateful for the opportunity briefly to contribute. I will not repeat the arguments of the previous debate but, I hope, make one or two new points.

I am sure you remember, Mr Hollobone, as a learned person, that in 1953, after the uprising in East Berlin, Bertolt Brecht said ironically that the regime should dismiss the people and appoint a new one. It seems to me that those people who now argue for a second referendum are saying that in 2016 the electorate got it wrong. They make a number of supporting statements, such as, “The electorate didn’t understand.” I think the electorate did understand what was a very simple proposition. Worse than that to my mind is the statement that the electorate were motivated by anger, disillusionment and alienation because they live in poorer regions of the country. That all boils down to the same point: that people in Hartlepool, Wales, the north of England, the south-west of England, the Midlands—all the areas that voted to leave—dealt not with the question before them but with their own internal situation.

My experience was quite the reverse. I talked to people while I was out and about on the day of the referendum, and they had a very simple and direct definition of democracy and sovereignty. A couple of them said something like, “We should make our own laws, shouldn’t we?” That is a pretty simple question and a pretty fundamental way of defining democracy and sovereignty, which are at the core of this issue. I therefore dismiss that suggestion by people who argue for a second referendum.

The establishment took one in the guts on this. They did not expect to lose the referendum, so they denigrated people who voted to leave as a way of not dealing with the fundamental arguments. Those arguments were about democracy and sovereignty—the right of an electorate
to dismiss the people who raise taxes and make laws. The EU, since its inception, has been a challenge to that process.

I do not really want to repeat the arguments that have been made, but some are worth addressing in detail. There are practical problems. If there were agreement in both Houses that there should be a second referendum—I do not think there is—how long would it take to pass the necessary law? It is not obvious what the question, or questions, would be. Would it be about the 575-page document we have been presented with, which I suspect even lawyers would find difficult to decipher? Would we have another in/out vote? Or would we vote on all three things? I have heard hon. Friends argue on television and radio that there should be a three-point question. They never seem to have the answer to the question posed by the hon. Member for Sutton and Cheam (Paul Scully): what happens if the electorate vote a third, a third and a third, or if there are other contradictions in the result?

It seems to me that because of those complicated issues, the timetable for getting a second referendum through both Houses would be long. It is not obvious what the decision would be, and interpreting it would be difficult. I am sure the Scottish National party spokesperson, the hon. Member for Edinburgh East (Tommy Sheppard), will correct me if I am wrong, but the debate on the Scottish referendum took more than two years. He will not have been happy with the result, but a thoroughgoing debate was had in Scotland on its future.

We had just over a year to debate the 2016 referendum, which came after the 2015 general election when a significant majority of people voted to have a referendum, and still people claimed that there was not sufficient time to hold a referendum. There would be the time taken on the complicated issues of what questions the referendum would ask and what it would be about, and then there would be the time to have a thorough debate. If one of the problems with the first referendum was that the debate was not thorough and detailed enough, one would want at least as long to debate a more complicated question.

Those are practical problems, but there is a deep problem of principle with the belief—this applies to Plaid Cymru, the SNP and others—that referendums are the solution to a problem. If this referendum result is not honoured, what will happen with the honouring of any future referendum results? It calls into question whether Parliament means it when it says, “This is for the people to decide, even by a majority of one.” I can give quotes from Labour, Conservative and Lib Dem spokespeople who said that. That was the decision of the House of Commons and it was passed by a large majority.

Jon Cruddas (Dagenham and Rainham) (Lab): I want to go back to what my hon. Friend talked about earlier, given the points he is making now. He said that the initial vote was not driven by anger or alienation. Will he comment on the consequences of shoehorning in a second referendum? Would it not incite greater anger and alienation of the kind that we did not necessarily see in the first referendum?

Graham Stringer: There has been an outpouring of anger by the establishment—those whom we on the left used to call the ruling class—who suddenly found that they were not ruling anymore. They have gone from being completely nonplussed and surprised to being angry. The electorate were told that they had a decision to make, but they are now being told, “We didn’t like the decision you made; think again and do as you’re told this time.” I realise that that is what the EU has done on a number of occasions. The EU has ignored referendums in Greece and France, and it has made the Irish vote on two occasions on different treaties. That fits in with the EU, but I think people in this country would be angry if that happened.

Opinion polls are all over the place; until there is a campaign on whatever the question is, nobody knows what decision will be made. I think the people of the United Kingdom in total are a rather cussed lot and would not like to be told that they have got it wrong and to do it again. Their initial response would be anger and it would not resolve anything. Fundamentally, those people who say that holding a second referendum is a solution are wrong. It would not solve bitterness and it would not necessarily solve the constitutional problems faced by the Government. It really would not solve anything.

Importantly, we should not follow Brecht’s ironic suggestion, which I mentioned at the beginning of my speech, to change the electorate or tell them to do it again. This is the responsibility of Government. The Government said that they would implement the result. They have come back with a deal, about which there are different views. I find the backstop, which I believe our civil service would like us to be locked into forever because it effectively locks us into the customs union, is anathema. It means that we cannot do our own trade deals. Nobody can tell me what we would be getting for £39 billion. I know what the Minister’s position has been over the years, but it is not clear that the £39 billion is anything but a blackmail payment to the EU. It is about the same amount as we would have paid had we had a seat around the table and had we still been a member of the EU. I have been told by Ministers on a number of occasions that there is no legal basis and it is not an obligation to pay that money. There are some smaller obligations. Not only is there a backstop and a lack of trade deals, but we will also be paying a fortune.

I was a member of the board of Vote Leave and one of the biggest criticisms of the leave campaign was that the amount on the side of the bus was exaggerated and was a distortion, because it used the gross payment to the EU and not the net. The figure that the Government are suggesting that we pay for nothing, which will not go into children’s services, social services, protection of the elderly or the NHS, is £60 million per constituency. For what? £60 million per constituency is £1,100 per individual member of the electorate in this country.

I am grateful for the opportunity to talk on this matter again. I do not believe that a second referendum would resolve anything. It is impractical, it is not principled, and I do not think it should be given the time of day to be debated. It should be thrown out.

4.56 pm

John Grogan (Keighley) (Lab): It is a great pleasure to follow my hon. Friend the Member for Blackley and Broughton (Graham Stringer). Like him, I came here expecting to listen and learn, rather than contribute. I am a Bradford City supporter—they are in the second
division at the moment. It feels like a night when we are playing at home and Manchester United are also playing at home in the premier league, not too far away. To continue the football analogy, sometimes the chance arises to come off the bench when all the stars are elsewhere. I feel that it is right that a slightly different view be given during this debate.

I want to say why the Labour party is right not to rule out a second referendum; I hope we will go further than that in coming days. I hope our leader will come back energised from Mexico, where he has been at the very important inauguration of the new President over the weekend, and that he will then join our deputy leader and our shadow Chancellor in beginning to talk up the prospects of a second referendum.

I am not one of those who has ever said that people did not understand what they were voting for. I was a remain, but it is ridiculous to say that people did not understand what they voted for in the referendum. Generally, they thought long and hard about it. Rather unfaithfully, I also think that in 40 or 50 years’ time we may look back at this time in British history—in a short period, we have had two referendums, on Scotland and the European Union, that challenged the whole nature of the British state—and find that, although families and communities were riven, it all showed the strength of British democracy. There was high turnout in both referendums and they have energised a whole new generation into politics.

Obviously, the story is not yet finished and we all have a responsibility over the coming months to make sure that the outcome is good for our nation. I do not believe that our greatness depends on whether we are in or out of the European Union; I believe that we are a great country in any regard and a strong enough democracy. Should this House decide to go down the lines of a second referendum, I do not think there would be riots in the street—we would take it in our stride in a phlegmatic, British way, and there would be strong debates.

I was at the Unison political conference in the great county of Yorkshire on Saturday, and a couple of delegates were pointing out that it is quite common in trade union practice to decide on a course of action, go and negotiate with the employer and then come back to the membership and ask whether they support the precise deal that has been agreed or not. I think that is the stage we are at now.

I want briefly to say why I cannot support the deal that is before Parliament. It creates too much uncertainty for businesses and unions on jobs, and so on, and it kicks into the long grass all the difficult problems about the precise nature of our relationship to the customs union and single market. I hope we would be close to both those institutions, but the issue is left in doubt, and uncertain, which means the nation will have a weak negotiating hand. Once we are out, any trade agreement that we reach with the European nations depends on unanimity, whereas at the moment that is not the case. Once we are out, anything we agree depends on every nation agreeing the precise details. We would be far better off coming to agreement before we are out on important issues such as the single market and the customs union. Uncertainty on the economy and a weak negotiating hand in the future are the reasons why I shall vote against the deal.

If the deal goes down—and it looks very much as if it will—someone will have to do something. There will be a plan B. I suspect that the shadow Minister will know what is going on in the Government—

The Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng): I am not the shadow Minister.

John Grogan: I am sorry. I meant the Minister—I was looking at him. The shadow Minister, my hon. Friend the Member for Sheffield Central (Paul Blomfield), probably does not know precisely what is going on in the Government, but I am sure the Minister, to whom I apologise, will be in the know; the shadow Minister is nodding his head.

I have great respect for the Minister. He will be one of the few people who know exactly what plan B is—among a number of possible ones. I understand that the Trade Bill is coming back the day after the meaningful vote and some people say the Government will adopt the Labour party policy of pretty well staying in the customs union, and possibly a close relationship with the single market. If not, a referendum is one of the only options open to Her Majesty’s Government. There are practical difficulties, of course, but if there was a request to the European Union from Her Majesty’s Ministers to hold a further referendum and remain was to be one of the options, I think we would undoubtedly get the time necessary.

Incidentally, unlike some, I think that if there was a second referendum there would have to be three main options. One would have to be no deal. My constituency was split, as many were—about 53% to come out and roughly 47% to stay in; the different wards ranged from 63% to 32% for those who wanted to stay in, so it is a split constituency. People should be able to say, “No deal”. It would be a disaster for our nation and economy, but it should be one option. How do we do it? We ask two questions.

There is a precedent in Scotland. I understand that the Scottish referendums had two questions—whether people wanted devolution, and about whether they wanted the Parliament to have tax-raising powers. The second Brexit referendum would obviously be a two-question referendum—possibly, “Do you want to stay in or come out?” and, if people wanted to come out, “Is it the deal negotiated by the Prime Minister or not?”—the deal or no deal, in effect. It could be done and would be a way to bring things to a conclusion if there were a complete impasse in Parliament.

We have asked the people once. If Parliament cannot come to a clear conclusion, the second referendum must be something we consider. Mr Speaker will, I think, ensure that there is a vote on it, if the deal goes down. The crucial vote will not be on the amendments to the meaningful vote, but afterwards. If Her Majesty’s Government do not agree that that is their plan B, they will quickly have to come back with proposals on the customs union and single market, to try to get on side a broad range of people in this Parliament who would favour a close relationship with both those institutions.

The one thing that could persuade me to vote for the deal is the situation in Ireland. I shall not vote for the deal next Tuesday, but the one thing I am torn about is the fact that many people—other than the Democratic
Unionist party—are writing to me. The Labour party’s sister party, the Social Democratic and Labour party, and business and trade unions in Northern Ireland, say that they want to support the deal because of the consequences in Ireland. I disagree with my hon. Friend the Member for Blackley and Broughton on the issue. The Prime Minister is to be commended on the backstop arrangements. Ironically, they would put Northern Ireland in the best position economically of any part of the United Kingdom, because it would be linked to the single markets of the United Kingdom and of the European Union.

Whatever decision we take, we must be cognisant of the fact that possibly the greatest political achievement of my lifetime, which I have observed and in which I was a bit-part player, is peace in Ireland. Whatever the House does in the coming weeks, it must not by any decision jeopardise that.

5.6 pm

Jon Cruddas (Dagenham and Rainham) (Lab): I, too, was just going to come and listen to the debate this afternoon, but I find I have the opportunity to speak for two and a half hours. I have a couple of points to make, given that some I would have made have already been covered.

As to what my hon. Friend the Member for Keighley (John Grogan) said about favouring a second referendum including no Brexit, I cast my mind back to a conversation I had with a leading member of my party over lunch last week. I asked him how a second referendum would work, and he said it would be pretty simple. We would have the deal and the case for staying in—the default prior to the last referendum. I simply said, “Okay, I can see where you are coming from. What would be the consequences in terms of the levels of social disquiet and anger that would develop?”

It seems to me that anyone who argues for a second referendum on the basis of the deal versus staying in has a responsibility to provide a risk assessment of the consequences of that argument—because there would be many in communities such as mine. People would feel they had, in a sense, been humiliated, if their contribution in an earlier referendum, and the passion and energy released in that process, could be parked. I fear how that would play out, and how it would affect the texture of the country.

I will lay my cards on the table. My constituency voted 70:30 to leave, although it is quite complicated to ascertain the precise figures, as we straddle two different authorities. I voted remain, so my powers of persuasion were very effective in that debate. What has worried me throughout is the fact that the conversation so far has been dominated by technical issues about our departure—the 530-page document, and so on—at the expense of the sentiments, concerns and views of the people, often quite viscerally presented in the course of the referendum. They seem to have been marginal in the conversation since then. To date, the righteous anger has appeared to be primarily on the hard Brexit side of the debate, but a bit more righteous anger now seems to be developing on the hard-line remainder side—those who simply want to rewind the result.

I am a passionate remainer, not least because of the Irish issue that my hon. Friend the Member for Keighley mentioned. I think that partly relates to our historic origins. However, the situation means we can play fast and loose with some big issues and, arguably, the great hallmarks and legacies of the previous Labour Administration. We should be careful what we wish for.

My point is simple. I can see how things could move quickly in the next few weeks. As someone said in the papers, we could move through the gears pretty quickly, and we have to game out what the consequences will be, after next Tuesday. One of those, which is appearing front and centre now, is the question of the second referendum. I simply say that anyone who is going to be vociferous in an argument for a second referendum must be clear about what they view as the consequences of that.

It seems to me that the key task of the political class should be national reconciliation in the months and years ahead. There is a danger that we could build and cement a canyon down the centre of the country. With that notion of caution, I simply say that I worry about the speed at which this second referendum is moving front and centre in the debate. I fear we could trip into positions that we should be wary of, unless we have done the preparatory work of fully understanding the consequences of them, which could shape the country for years ahead.

5.9 pm

Tommy Sheppard (Edinburgh East) (SNP): Like other hon. Members, I am a little surprised at the level of attendance at this afternoon’s debate. I can never tell with these things whether it is a lack of empathy across the House for the sentiments behind the petition or whether it is just that the Attorney General is bigger box office than this discussion, but we are where we are.

The way I see it is this: I do not think that in a free, open and democratic society we can say that people do not have the right to change their minds. Of course they do. A group of people voting in a referendum one day in history cannot forever bind people for the future. Any of us would be on very thin ice if we were to get into a situation of saying, “You can never have a second referendum on this question.” On the other hand, we have to accept that with big questions of governance and constitutional politics, we cannot go changing our mind every day, or every month, or even every year.

Therefore, we have to ask ourselves in what circumstances it is legitimate to consider a second referendum, a so-called people’s vote. There are three tests that need to be applied before the legitimacy test is passed. First, it must be demonstrated that the information on which people made their original decision is in some way compromised, either because it was wrong or because it is now obsolete and has been superseded by further developments. With regard to the Brexit referendum, I do not think anyone can argue other than that the information on which people based their decision was fatally flawed.

In response to the statement by the hon. Member for Blackley and Broughton (Graham Stringer), I am not one of those who blame the electorate; I do not say that people were stupid or did not understand the question. I say they that were deliberately misled by people. I say that they were given information that was false, and deliberately so. In many ways the mendacity in that campaign was on an industrial scale. That is why people were conned in many ways into making the decision they did in June 2016.
Now we have an awful lot more information about what is at stake and what the consequences are, so we move on to the second test: have a significant number of people changed their minds on the question? By “significant”, I mean enough to produce a different result, were the question put again. Again, that test is met. It is consistently clear from opinion polls over three or four months—the latest one only today—that a large number of people have changed their mind on the question, sufficient to produce a different result were the question put again. The Prime Minister and the Government are fond of saying that 17.4 million people voted to leave the EU, the biggest number in our history that have ever voted to leave. The Prime Minister and the Government are so certain that 17.4 million voted to leave that they have now changed their minds. I think it is disrespectful to those people not at least to consider whether the circumstances are such that they should be consulted again.

The third test is that the Parliament or legislature charged with discharging the mandate from the referendum is either unwilling to do so, or incapable of doing so. We are not at that point yet, but I am fairly certain, and I have no reason to change my view from the speeches so far today, that next Tuesday evening Parliament will reject the withdrawal agreement that has been put before it by the Government. In those circumstances, we will be entering a period of unknown chaos, where the Parliament may well be incapable of making any decision. That political gridlock or stasis can perhaps only be resolved by putting the question back to the people who started the process in the first place—all the citizens of the country. I say therefore that a people’s vote should not be regarded as an alternative way of agreeing the withdrawal deal. It is going to happen, if it does, as a consequence of the failure of the Parliament and the Government to prepare a withdrawal deal.

I speak for the Scottish National party, the third party in the United Kingdom Parliament, so it would be remiss of me not to try to give some sort of perspective from north of the border. Scotland, as colleagues know, took a different view from the rest of Britain.

Graham Stringer: I am following but do not agree with many of the points that the hon. Gentleman is making. On his final point, that there is a failure of Parliament, is it not primarily a failure of the Government? If the Government fail, should not the Government go back to the electorate?

Tommy Sheppard: The hon. Gentleman predicts my next point, but let me first say something about the situation in Scotland, where 62% of the people voted to remain in the European Union. By all polling evidence, if that question were asked again it would be more like 68% to 70%, so the opinion is quite different in Scotland from in England and Wales.

The attitude of the minority SNP Government in Scotland, when faced with a question of what to do with this result, where Scotland had voted one way and the rest of the United Kingdom had voted another way, is interesting. We had tried, as colleagues will remember, in the debate on the European Union Referendum Act 2015 to get some provisions in the Act itself that would recognise the different nations within the United Kingdom, but we failed in that endeavour.

The Scottish Government did not say, “Oh well, we don’t recognise the result in the UK because we are against Brexit and this is the Scottish position.” Quite the contrary: a Government that believed in and aspired to an independent Scotland and membership of the European Union produced a detailed document that advocated neither of those things. “Scotland’s Place in Europe”, published in December 2016, was a detailed and comprehensive policy analysis of how Brexit could take place in a way that would not have such effects on the Scottish economy and would better respect public opinion in Scotland. We were basically arguing, as we still argue to this day, for a compromise on what has become known as a Norway-plus position, where we aim to stay in the single market and the customs union. We have not yet been successful in that endeavour, but it is interesting that for 24 months the Scottish Government have been trying to offer this compromise and to get a discussion going about it, and for 24 months they have effectively been ignored.

That brings me to the point about how the Government have managed this process. Here we are, 30 months after the original referendum result, a result that was, by any observation, a narrow and divided one, with the country clearly split. A better Government would have taken that result and tried to steer a course that respected the majority of public opinion to leave the European Union and no longer formally be a member of it, but also recognised that almost half the country valued their European citizenship and tried to find some compromise that would allow Brexit to take place in a way that minimised the depression of their European identity.

The Government did not do that—not at all. The Government took an absolute position and said, “This is clearcut, it is black and white; the 52% won and we are now no longer going to talk about the 48%.” They were written out of history as if their opinions did not matter. That is one of the things that has caused so much resentment and anger and is now fuelling the demand for a people’s vote. In fact, it is even worse than that, because the 52% were disrespected as well; we had every right-wing cause in the country trying to tack its ideas on to the 52% as if that was a mandate for what they wanted. Many people in the 52% were misrepresented as well.

If we had had a Government that could have been more inclusive in their approach and had a dialogue with people, with Opposition parties, with local government and with the national Governments in the devolved legislatures, we might be in a slightly better position. We might have had more of a consensual approach that could possibly command support on the Floor of the House next Tuesday. But we are where we are; we do not have that, and we have a Prime Minister who, Canute-like, seems to be just ignoring wave after wave of concern and opposition that is expressed.

Over the next five days we will spend a lot of time talking about the detail of the 585-page withdrawal agreement and the 24-page framework document, so I will not go into that here. However, the Government getting themselves into this position is calamitous. It did not have to happen. Even at this eleventh hour they could pull back. They need to understand that, by setting their impossible red lines in the first place, they put themselves on a course to deliver a product that was
never going to command the support of the House and, worse, does not really seem to satisfy anyone in the country, never mind the 52% who voted to leave in June 2016.

In many ways, the Government have to think again. It seems to me that, once we get past next Tuesday, giving people the opportunity to vote again on this question may provide the Government with a lifeline to try to get out of the mess they have created for themselves. If they do not do that, I certainly agree that the time has come for this Government to get out of the road and be replaced by a Government that will do a better job.

5.20 pm

Paul Blomfield (Sheffield Central) (Lab): As ever, it is a pleasure to speak for the Opposition under your chairmanship, Mr Hollobone. I take this opportunity to welcome the Minister, the hon. Member for Spelthorne (Kwasi Kwarteng), to his place in the Department for Exiting the European Union team. Taking up the point made by my hon. Friend the Member for Keighley (Jon Cruddas), I shall be impressed if the Minister knows the Government’s plan B: he will be the first Minister to have achieved that objective if he does. I look forward to hearing from him later.

I thank the hon. Member for Sutton and Cheam (Paul Scully) for opening the debate. He made an important point on public polling reflecting his friend’s opinion that everybody is fed up with hearing about Brexit. There is almost a momentum behind the current process of people looking forward to 29 March, because then it will all be over. However, as he rightly pointed out, it will not be. We are certainly not nearing the end, and we are not really nearing the end of the beginning. The biggest discussion is yet to be had, because the declaration on our future relationship is so lacking in detail. He also made the important point that this is a critical moment in our history. The decisions that we take over the next few days will shape our country for generations. The situation could not be more serious.

The Labour party campaigned in the referendum to remain, because we believed that it was right, economically and politically, for our country and for the continent that we share, but we accepted that we lost, which is why we voted to trigger article 50, to begin the negotiations to leave. However, the last two years have been largely squandered, with negotiations within the Conservative party taking precedence over the negotiations that needed to take place with the EU27. I understand the predicament of the Government and the warring factions within the Conservative party, but it has left us in a difficult position, and the country is paying the price.

It did not have to be like this, as the hon. Member for Edinburgh East (Tommy Sheppard) indicated. The Opposition urged the Prime Minister to reach out two years ago to the majority in Parliament in favour of a sensible Brexit and, in the spirit of my hon. Friend the Member for Dagenham and Rainham (Jon Cruddas), to look towards national reconciliation by saying that, yes, people voted to leave the European Union, but by the closest of margins. The referendum gave a mandate that we should no longer be members of the EU, but not that we should rupture that relationship, which was built over 45 years.

If the Prime Minister had said then that she would seek a deal that was right for the people of this country and their livelihoods, she could have begun to pull together the 48% and the 52%. If she had said that that would have involved a customs union, a close relationship with the single market and continued participation in the agencies and partnerships we built together with the EU, I think she could have achieved that. She would have had a clear majority in Parliament and united the country, and the Northern Ireland border, as raised by my hon. Friend the Member for Keighley, would certainly not have been an issue.

However, the Prime Minister instead let the Brexit extremists within the European Research Group shape the agenda. She set her red lines and boxed herself in, and the result is this doomed deal that satisfies nobody. We face a vote next Tuesday in which the Government are likely to be defeated, and we will then move into uncertain territory. It appears that a clear majority in Parliament will reject the deal and, while there is also certainly a majority in Parliament that will ensure that we do not leave without a deal, it is not clear whether there is a majority for any other outcome. Parliament, like the people we represent, is conflicted.

When the deal is voted down, we will need maximum flexibility. The Opposition will demand a general election, as we have made clear. I hope that, despite their experience in the general election last year, Conservative Members may yet come to recognise that an election to break this deadlock would be in the interests of the country. If they do not, other options must be kept open, including a public vote.

I understand the concerns of the petitioners who made the case against a public vote, which have been reflected by hon. Members, including my hon. Friend the Member for Blackley and Broughton (Graham Stringer). However, it is interesting that, as we move towards the Brexit endgame, the debate is changing fundamentally. Some honesty is finally beginning to break out. Those who spent the last two years endlessly repeating the mantra that no deal is better than a bad deal have been hitting the TV studios over the last couple of weeks to urge MPs to back the Prime Minister’s deal because, they argue, the alternative is no deal, which they rightly say would be a catastrophe.

Even more significantly, claims that the country will be more prosperous have been abandoned, including by the Prime Minister and the Chancellor. Instead they argue for the Prime Minister’s deal on the basis that failing to deliver on the 2016 referendum would have serious social and political consequences. That serious point has been made in the debate and it should not be lightly dismissed. However, we should also recognise that there will potentially be even more serious social and political consequences if Parliament votes for a damaging Brexit on a false prospectus.

The Government have confirmed that we will be economically worse off, to varying degrees, under every Brexit option. Instead they say that the Prime Minister’s deal deserves support because it delivers on other pledges, with a particular focus on taking back control of our borders. On the Government’s website, “40 reasons to break the Brexit deal”, the top reason is on migration, with a promise that free movement will come to an end once and for all.
However, the expectations unleashed by the rhetoric of taking back control are a long way from the reality. The Government have had complete control of non-EU migration for the last eight years. In every one of those years, net migration from outside the EU was higher than from within it, and it has stayed at a steady level. As last week’s figures from the Office for National Statistics show, the recent decline we have seen in EU migration has simply been replaced by rising numbers from beyond the EU, with non-EU migration hitting a 14-year high. But on that central issue, the Home Secretary has said this morning that we are unlikely to see the Government’s plans before next Tuesday’s vote; the much-promised White Paper on immigration has apparently been delayed again—and beyond next Tuesday.

We potentially face a future that is poorer, with less money for public services, and with migration numbers changing little. That is a long way short of the wild promises made during the Brexit campaign, and potentially the social and political consequences of people being in that position five years down the road are very serious.

Therefore, when the Prime Minister’s deal is inevitably voted down, all options have to remain open. As I said, that includes a further public vote. That is not something on which there are divisions between Opposition and Government Members. The hon. Member for East Surrey (Mr Gyimah) made the case for a public vote when he resigned as Minister for Universities, Science, Research and Innovation on Friday. His predecessor as Universities Minister, the hon. Member for Orpington (Joseph Johnson), has also made the case, as have former Conservative Cabinet members and the current Secretary of State for Work and Pensions, saying that a public vote may be the only way out of the predicament in which we find ourselves.

A public vote would not be without difficulties, and nobody could predict the outcome. However, the public do have information that was not available two years ago. They can see now, in contrast with then, what Brexit looks like, so there is a case for giving them a chance to reject Brexit or give informed consent to the Prime Minister’s deal. We will explore all the options available, but we believe that we should not rule out the chance to give the people the final say.

5.31 pm

The Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng): I am delighted to stand here, on my first outing as a Minister to represent the Government and make the Government’s case, under your chairmanship, Mr Hollobone; I am very pleased about that. This has been a very interesting debate. As has been observed, more right hon. and hon. Members could have participated, but I think that quality is better than quantity. That has always been a principle of mine, and I was delighted to hear as many speeches as I did.

I thank my hon. Friend the Member for Sutton and Cheam (Paul Scully) for opening the debate on behalf of the Petitions Committee. I also thank all those who participated in the debate. The very important question—the idea that we should have a second referendum. I want to make it as categorically clear as possible that this Government will respect the result of the referendum and we will not—I repeat, we will not—hold a second referendum. Let me go into some of the reasons why we do not want to do that.

The hon. Member for Blackley and Broughton (Graham Stringer) made a very good point when he referred to the levels of condescension and the idea that people were too stupid to understand what membership of the EU meant and what leaving it would mean. It is ridiculous to assume or to think that people in this country, who have been debating this issue for 45 years—it has been an issue ever since we joined the EU—were too stupid to understand the question on the ballot paper. It is also offensive—it is ridiculous and offensive.

Then we heard the other idea. The hon. Member for Edinburgh East (Tommy Sheppard) said, “Well, people weren’t stupid, but they were conned.” That is like me saying to a friend, “When you lost your money, you weren’t stupid, but you were conned.” Essentially, it is saying that, for whatever reason, people were misled; they were gullied into making a choice, which they actually knew perfectly well about. They simply did not want, as an electorate, to stay in the EU, and it is the job of the Government, as it always has been, to deliver on the vote.

Let me give my personal point of view. I was in the Vote Leave campaign. I represent a constituency that voted 60% to leave the EU. My sense, as a constituency MP talking to people, is this. A large number of remainers are very quiet. They voted remain for all sorts of reasons. Perhaps some of them believed that the fear and uncertainty were too great. But now that the electorate as a whole have embarked on this course, many of those remainers want to see it through.

The hon. Member for Edinburgh East suggested, “Oh, the polls have changed wildly.” They have not. If we look at the polls a week before the campaign started in 2016, we see that they were exactly where they are now. Remain, as I recall, had a 10-point lead and, in the course of the campaign, its lead was reversed.

Tommy Sheppard: I take the Minister’s point, but does he not accept that there is a considerable difference between the result in June 2016 of 52:48 and the average of polls now, which is 55:45 against?

Kwasi Kwarteng: My very point was that the hon. Gentleman should not place too much credence in the polls. If the polls had been right, this would never have happened. If the polls four months before the actual result had been right, remain would have won by a huge margin. I question the notion that because the polls are essentially saying exactly the same thing as they did four months before the last referendum, that means that the public have changed their mind; I dispute that. The hon. Gentleman was absolutely right to suggest that we cannot simply relegate this issue year after year. The previous Prime Minister, David Cameron, made it very clear that the result would be respected. It was a close result, but a clear and authoritative one.

I was musing on this question during the hon. Gentleman’s speech. If, by some misfortune, the Scottish National party had got its wish and won the independence referendum in 2014, how enthusiastic would it be about another referendum on that question? It would simply have shut down the issue.
Tommy Sheppard: That is a good debating point, but let us be clear: the 2014 Scottish referendum was conducted, as has been said, on the basis of a campaign and discussion that lasted more than two years, a vast debate and a 670-page White Paper that spelled out exactly what the proposition was. Surely the Minister is not drawing a comparison between that and something that was based on a slogan on the side of a bus?

Kwasi Kwarteng: I will absolutely make the comparison and I suggest to the hon. Gentleman that the United Kingdom’s membership of the European Economic Community and now the EU had been a top-line issue for 45 years. If it had not been, why was there a referendum in 1975, the year I was born? This issue has gone on for two generations, so I suggest respectfully to the hon. Gentleman that the electorate did have a sense of what they wanted.

We cannot go down the route of simply re-litigating referendums when we do not like the result, because that essentially is what this boils down to. That is essentially what is driving the call for a second vote—the so-called people’s vote. Former Prime Minister Mr Blair has said as much. He makes no bones about the fact that he thinks that Brexit is a disaster and the way to reverse Brexit is by means of a second referendum. It is an instrument by which one can reject the will of the people as expressed in June 2016. Let us not be fastidious or naive about this. The people who generally are driving for a people’s vote and a second referendum want to reverse the result. They think—mistakenly, in my view—that the way to reverse the result is to get a second referendum, which will confirm or reconfirm our membership of the EU. I think they are wrong and, as I have said, the Government have made a clear undertaking that we will not have a second referendum.

The question on 23 June 2016 was clear; it was absolutely unequivocal. The question was simply:

“Should the United Kingdom remain a member of the European Union or leave the European Union?”

Many of us in the Chamber took part in the referendum campaign—some with Vote Leave and some with the Stronger In or remain campaign. It was a very hard-fought and widely trailed discussion. Some people have said that the quality of the debate was not good enough or that some pieces of information were withheld, but generally it was an extraordinary exercise in democracy. As has been said many times, it was the single biggest debate on this issue. It is not right to say that those four months of the referendum campaign in 2016 encapsulated the whole debate, because it has been ongoing for 45 years and more.

I sense that I am in a room of clairvoyants, because everyone has told me that the Government will lose the vote on Tuesday. I have been in the House long enough—let us see what happens. People have asked, “What about plan B?” If I knew plan B, I would not divulge it in this Chamber—I assure hon. Members of that—so the question is redundant. I remind hon. Members that the choice is between a deal and no deal, because, as others have suggested, the hourglass is running quickly. We are running out of time. Article 50 was invoked on 29 March 2017. It does not take a mathematician to work out that 29 March 2019 will be the end of our formal membership of the EU. Nor does one have to be mathematically gifted to work out that there are fewer than four months between today and exit day. In that timeframe, the notion that the Government will throw off their policy of the last two and half years and then bring in some parliamentary device for a second referendum to take place before the exit day is, frankly, ridiculous. We do not have the time to do it and people would feel that it would be extremely irresponsible to do so.

I could spend the next hour and three quarters trying to convince hon. Members of the merits of the deal. I do not want to do that, because they probably want to
do other things. However, I will say that the deal does precisely what the electorate voted for. On immigration, we have heard about restrictions to freedom of movement.

Paul Blomfield: Given that the Minister has raised the question of immigration, does he agree that it is incumbent on the Government to do as they previously promised and publish the immigration White Paper before we vote on the deal?

Kwasi Kwarteng: The shadow Minister is trying to tempt me down paths I do not want to go down. We will have a plan. At the moment, the Government are focused on winning the vote on Tuesday and getting on with Brexit, as so many of our constituents want them to do. My hon. Friend the Member for Sutton and Cheam said that someone was bored of Brexit. I have used that phrase myself—not of me; I love Brexit and am fascinated by it, but a lot of my constituents want to get the ball rolling. They want to get on with wider political debate and to get on with their lives. They see that the deal is a way of getting to the finishing post of 29 March. Anything we do to jeopardise that would not only frustrate Brexit, but be a great abnegation of democracy.

The debate about our relationship with Europe will not end with our formal exit from the EU. There will be all sorts of ongoing discussions and debates about bits of the EU that we might want to pay into and others that we might not. That is the nature of democracy: we can debate it. It will not be set in stone, but we will have an evolving and, I hope, co-operative and fruitful relationship with the EU. However, we seek to close the question of membership of the EU and we will formally end it on 29 March.

People have talked about the money—the £39 billion. The figure of £35 billion to £39 billion has been quoted as a divorce payment. That is actually a small fraction of the £100 billion that we saw in the newspapers and the other huge amounts that were trailed across the media. Looking at our 46-year commitment to the EU, we see that £39 billion works out as four years of net payments to the EU—what I call the annual subscription.

The annual subscription in the 2014 to 2020 budget period was about £10 billion a year net, depending on how it is calculated. After the payment and the implementation period, we will not have to pay a penny piece. The golf club subscription, as one of my constituents once referred to it, will be over. We will not be paying into the common kitty to the tune of £10 billion a year. We will secure—we hope and confidently expect—a free trade deal. We will be able to co-operate with the EU, but our formal membership and the annual tribute or payment that we used to make will be over.

My last point is about sovereignty, which was raised by the hon. Member for Blackley and Broughton. People wanted to have a sense that they were electing to this Parliament Members who would exercise the sovereign will of the British people and make our own laws. That is a fundamental point that cannot be captured in trade deals, money or economics; it is about fundamental independence and sovereignty. That was a big driver of the vote and this deal delivers it. I am pleased to speak on behalf of the Government in this debate. I congratulate my hon. Friend the Member for Sutton and Cheam on introducing it and I look forward to his concluding remarks.

5.49 pm

Paul Scully: I thank the Minister for his reassuring remarks. It was remiss of me not to have welcomed him to his place for his first Westminster Hall debate. He gave a good amount of reassurance that we will not get distracted from our important task by the so-called people’s vote. We need to concentrate on making sure that we deliver for the people of this country.

In the last couple of years, the Government and the Prime Minister have had the incredibly difficult job of squaring seemingly impossible circles. It is impossible to find a solution to the Labour party’s six tests when the last one says that leaving must deliver the exact same benefits as membership. Clearly, at the golf club that the Minister referred to, pay-as-you-play is not the same as membership.

Paul Blomfield: Does the hon. Gentleman acknowledge that the Prime Minister said that she was determined to meet the six tests set by the Labour party?

Paul Scully: The Prime Minister will go as close as she can, but that last one is clearly impossible. She is working to satisfy as many people as she can in incredibly difficult times.

We then have the Liberal Democrats, who want to have their Bobby Ewing moment and pretend this all away, frankly. Those are the dynamics that we have been working on.

We are now at the dénouement—the end of the first part of the process. Let us try to get through this week and a half, get the vote next Tuesday, and move on to the exciting, optimistic global Britain thing that we can do—trade with the rest of the world and with our European partners. I look forward to the fact that our 40 or 50-year decision will allow us to make sure that our best days are still ahead of us.

Question put and agreed to.

Resolved.

That this House has considered e-petition 226071 relating to not holding a second referendum on EU membership.

5.51 pm

Sitting adjourned.
Westminster Hall  
Tuesday 4 December 2018  
[Mr Philip Hollobone in the Chair]  
ATM Closures

9.30 am

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): I beg to move,

That this House has considered the effect of ATM closures on towns, high streets and rural communities.

It is a pleasure to see you in the Chair, Mr Hollobone. I and other hon. Members on both sides of the House have been raising the closure of ATMs and its impact on our towns, high streets and rural communities for some time. The issue is more pressing than ever. In November 2017, LINK, the ATM membership body that sets the funding for free-to-use ATMs, began consulting on proposed cuts to the funding mechanism known as the interchange rate fee—a fee paid to the ATM operator, by the bank or company that issues a consumer’s bank card, when cash is withdrawn. Prior to LINK’s reductions, that fee was 25p. In its consultation, LINK proposed reducing the fee to 20p through four rounds of cuts beginning on 1 July this year and ending in January 2021, although the third cut was cancelled and the fourth has been put under review.

From the beginning, LINK accepted that those changes would lead to ATM closures. In its analysis and consultation documents, it stated that it expected a decline of between 4% and 11% in free-to-use ATMs, but that it was confident that there would be a reduction only in areas with a high concentration of free-to-use ATMs, such as cities. However, the number of closures has been far higher—approximately 250 per month—since LINK announced its consultation. Operators such as NoteMachine and Cardtronics say they expect to lose thousands of machines each, and new installations have been put on hold.

Yvonne Fovargue (Makerfield) (Lab): Does my hon. Friend agree that one of the major problems is that the machine operators—Cardtronics and so on—do not have to inform the LINK network before closing a machine, and that the cost of replacing a machine is prohibitive?

Ged Killen: My hon. Friend anticipates my next point. If an ATM is removed, it costs between £7,000 and £10,000 to reinstall. That high capital investment means that, once closed, an ATM is difficult to replace, due to concerns that the investment may not pay off.

LINK sought to reassure the Payment Systems Regulator that the spread of free-to-use ATMs would not be damaged, because it would use its financial inclusion programme to protect ATMs in areas where there was not another free-to-use machine within 1 km. However, although it is well-intentioned and well funded, that programme relies on communities or operators reporting vulnerable ATMs to LINK and nominating them for extra funding, which, as my hon. Friend alluded to, they do not have to do.

The problem is that the existence of the financial inclusion programme is not well known or straightforward, meaning that communities, operators and councils are often delayed in applying for funding.

I spoke recently to Tesco about its network of more than 4,000 ATMs. As I am sure Members know, many of those ATMs are in groups of two or three outside stores. Tesco told me that in some cases, those two ATMs are the last two in the town, but neither falls under LINK’s financial inclusion programme because both are right beside another free-to-use ATM.

As a consequence of the poor deployment of the financial inclusion programme, more than 100 ATMs with “protected” status have closed. We see examples of the programme failing in Scotland. Just outside Edinburgh, in the EH18 postcode, the nearest free-to-use machine is now 1.3 km away. In the PH24 postcode in the Cairngorms, the nearest machine is 6.6 km away. In TD10 in the Scottish Borders, some consumers must travel 10.9 km to withdraw their cash without charge.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I am extremely glad that the hon. Gentleman is making an issue of the distance between ATMs. My constituency is vast and remote, and we have a thin scattering of ATMs. There is a threat of closure. I have a map here. I assure the hon. Gentleman that the distance between some of those ATMs is more than 10 km. If any one of them closed, that would be severely detrimental to my constituency.

Ged Killen: I thank the hon. Gentleman for making that point. He came along to an event I held in conjunction with Which? where that information was available to Members from across the House. Many Members were surprised to learn just how far apart ATMs are in their constituencies, and how vulnerable each of those areas would be if something happened to one of those machines.

The 1 km rule just is not working. Even if it were, things can go wrong quickly when one of the last remaining machines develops a fault or runs out of cash. I stopped off in Ballantrae in South Ayrshire over the summer recess, which seems a long time ago now. When I went to use the ATM, I discovered it was out of service. There is a post office counter in the local shop—we would need an entirely separate debate to talk about the pressure post offices are under to try to meet the gap in services created by the banks—but when I went into the shop to inquire, I discovered that the next-nearest ATM is more than 20 km away, or almost 13 miles in old money.

The other issue is that it is difficult to take account of local circumstances in applying the 1 km rule. In Cambuslang in my constituency, both free-to-use ATMs at either end of the main street are—excluding the other—within 1 km of another ATM, but those alternative ATMs would be not just inconvenient but very difficult to get to for anyone who experiences mobility issues. The closure of either ATM on the main street would have a massive impact on the small businesses in that area, which are already really feeling the pressure.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate the hon. Gentleman on securing this timely debate. Does he agree that in coastal towns—particularly in my constituency but in others, too—we sometimes see the dilution of ATMs? A filling station might open
with an accompanying shop and ATM, but the ATMs in the town centre might close, thereby exacerbating the problems we have with reinventing our town centres.

**Ged Killen**: The hon. Gentleman is absolutely right. He makes an excellent point about the existing pressure on our high streets. Removing ATMs and other services does not help that pressure one bit.

**LINK** has now been given a specific direction by the PSR to review its financial inclusion programme, due to its failure to protect the spread of free-to-use ATMs. However, I have little confidence in the regulation of the sector. LINK’s changes to ATM funding were the PSR’s first major regulatory hurdle. In my view and that of many stakeholders, it fell at that hurdle. Common themes related to the reporting of issues and access to the financial inclusion programme have been reported by those involved in the industry pretty much since day one. I sat across from the PSR and explained the concerns I had heard about the closure of free-to-use ATMs and about their operators, and from the many people who are against the cut to LINK’s interchange fee, and I was met with silence. On every occasion when concerns were raised, the PSR failed to act. Only latterly has it taken action.

**Ruth George** (High Peak) (Lab): I thank my hon. Friend for bringing forward this important debate. My very rural constituency is similarly affected. When I met the PSR, I found its attitude was, “Wait and see whether there are any problems, and then we might think about acting.” Does he agree that that is not the correct attitude for a regulator to take when it has such a weight of evidence before it that there will be problems?

**Ged Killen**: My hon. Friend is absolutely right. When I met the PSR, it seemed wholly satisfied with listening to what LINK, rather than everyone else involved in the industry, had to say about the issue. That was surprising and disappointing.

The closure of free-to-use ATMs highlights the significant problem we have with the way access to cash is managed in the UK. There seems to be no effective oversight of the issue, and responsibility sits across numerous Departments, regulators and private companies. We need a regulator to have the powers to take a rounded view and implement effective measures that will ensure access to cash is protected. It seems likely that the PSR either does not have the power it needs or has not used it fully and effectively the abilities it has. I should be grateful if the Minister would comment on that.

We are in a transition towards a cashless society, but we are not there yet. We need to be careful about how the transition is managed. Most importantly, we have to think about the impact on people who still rely on cash. Access to cash remains an important part of many of our constituents’ lives. Research from Which? has highlighted the fact that four in five people said that access to the free-to-use network was important in their daily lives and in paying for goods and services. Removing free access to cash would leave one in 10 people struggling to make payments, and would shut many consumers out of local shops and services.

We also need to think about what happens when the technology fails or in the case of hacking. This year the Visa payment system crashed and there were major online banking issues for TSB customers, many of whom of course did not have a local branch to visit as an alternative. The experience of other countries further along the journey towards a cash-free society, such as Sweden, where there has been a huge rise in the number of places that simply will not accept cash, is that there are now serious concerns about the lack of cash in the economy, so that the Government are looking at ways of addressing that retrospectively.

**Ruth Smeeth** (Stoke-on-Trent North) (Lab): Does my hon. Friend agree that another challenge is the fact that in many communities there simply is not access to digital platforms—so that 25% of my constituents have not accessed the internet in the past six months? Moving to contactless payments or online banking is not an option available to them.

**Ged Killen**: My hon. Friend is right. My constituency is neither rural nor a city; there are new-build towns that are in between, with surprisingly poor access to broadband in some places. We are asking people to use services instead of visiting a local branch. That is not always practical—not least for those who are perhaps not as tech-savvy as others.

It is not just a matter of ATMs. The whole infrastructure that supports access to cash will be at risk if we move towards a cashless society too quickly. Without intervention from the Government it will be the elderly, the least well-off, rural communities, struggling high streets and small businesses that will pay the price. We see that happening in other countries that have made the transition too quickly. That is the driving force behind my private Member’s Bill to ban ATM charges and protect access to cash, the Banking (Cash Machine Charges and Financial Inclusion) Bill. In principle I do not believe people should have to pay for access to their own money. Long gone are the days when people’s employers handed them a pay packet at the end of the week, and the banks would not much like it if we all decided to keep our cash under the mattress. We have little choice but to keep our money in banks, and that money generates profit for banks, so we should not be paying to get access to it.

As LINK chips away at the funding formula for ATMs and more and more people use contactless and digital payment methods, there will be far fewer ATMs and more of the ones that are left will charge us for the privilege of withdrawing our cash. I do not want to stand in the way of progress towards a cash-free society, but I do want to shift the burden of that transition away from consumers and on to banks, who after all are the long-term beneficiaries of a cash-free society. We will never reap the rewards of those savings when they come, so let us have them now by requiring the banks to continue providing free access to cash where there is still a demand for it.

I was glad that the Labour party adopted the aims of my private Member’s Bill. For me, and for the Labour Front Bench, the rejuvenation of the high street is not just about helping small businesses; it is a social issue as well. I have noted that there is a growing cross-party consensus on the issue. The hon. Member for Bexhill and Battle (Huw Merriman)—he is not here for the
debate, but I have notified him that I shall be mentioning him—has a private Member’s Bill on ATMs, the Minimum Service Obligation (High Street Cashpoints) Bill. I agree with the hon. Member for Ochil and South Perthshire (Luke Graham), who is here today and who, with his private Member’s Bill, the Banking and Post Office Services (Rural Areas and Small Communities) Bill, has highlighted the responsibilities that banks have to the consumers who bailed them out during the financial crisis. In addition to what is being done by Members of this House, a range of organisations have raised the same concerns. They include Which?, the Federation of Small Businesses and the Association of Convenience Stores.

I recently met the chair of the independent access to cash review, and I know that the review is considering in detail some of the issues I have touched on in the debate, so I look forward to seeing what comes out of that. However, in the context of bank branch closures up and down the country, and with high streets and rural communities facing ever greater challenges, the Government must take a serious look at the issue now. I hope that the Minister will reflect on what I have said.

Mr Philip Hollobone (in the Chair): The debate can last until 11 o’clock, and five Members want to catch my eye. We have about 40 minutes of Back-Bench time, so if Members speak for more than eight minutes they will deprive someone else; please be courteous to each other.

9.46 am

Kirstene Hair (Angus) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Rutherglen and Hamilton West (Ged Killen) for bringing this important debate to the Chamber. I was delighted to support his recent ten-minute rule Bill on protecting access to cash and reducing charges, the Banking (Cash Machine Charges and Financial Inclusion) Bill.

According to analysis by Payments UK and the Bank of England, those who rely almost entirely on cash are much more likely to be in rural areas such as my constituency. Yet they are experiencing the greatest reduction in the number of machines since the funding reduction by LINK in 2018. The closure of ATMs on the high street is of particular concern to older residents, who are more likely to rely on such services. The ATM network in rural areas is therefore incredibly important in supporting rural economies. My constituency will soon lose the Bank of Scotland branch in Kirriemuir, and earlier this year we lost our Royal Bank of Scotland branch in Montrose. When we lose banks, we also lose the ATMs.

Such closures have a huge impact on rural high streets. High streets in Angus are struggling anyway, and the closures put further pressure on them, continuing to challenge their trading environment. The removal of ATMs only creates a further barrier and a disincentive to shoppers. That is why the UK Government and LINK should work together to make shopping on high streets as simple and straightforward as possible. Everything should be done to prevent rural communities from feeling the brunt of the fee reductions and the potential closures that might ensue.

Like many hon. Members, last week I visited many small businesses in my constituency. Among the matters that came up was the ATM issue, and the negative impact that card transactions can have on small independent businesses. Many ask that people spend a certain amount before they can make a card transaction, but if one in 10 people have to walk more than 30 minutes to find the closest ATM, they may just walk away from the transaction. There are differences between contactless payments and card payments, and those things all put more pressure on small independent retailers. That is why ATMs must be in place to support them.

The financial inclusion programme, which aims to identify vulnerable ATMs and increase the interchange payment by 30p, in order to keep rural ATMs financially viable and protect rural communities, is welcome, but there is a question as to how effective it has been. Despite the programme, research by Which? has shown that closure rates of free-to-use ATMs have still been at their highest in rural constituencies such as mine. The provision that people should not have to travel more than 1 km does not go far enough. In fact, it is not in place in every area in Angus, and today we have heard other Members say the same. Residents in Inverkeilor, a village in my constituency with a population of 1,000, must travel six miles to Friockheim to use a free ATM. That is well outwith the 1 km provision that should be in place.

Jamie Stone: What if someone living in the hon. Lady’s constituency, or in my Caithness, Sutherland and Easter Ross constituency, does not have a car?

Kirstene Hair: The hon. Gentleman is right. With declining public transport provision in rural communities, if someone does not have the provision of a car they are left completely stranded, with no access to cash.

Ruth Smeeth: Does the hon. Lady agree that one of the challenges is that LINK, when it makes these decisions, looks at a map and has no understanding of local territory? It has no idea how steep some of the hills are. Access can be almost impossible for someone trying to walk 1 km, never mind 10 km.

Kirstene Hair: I agree. That is why I want to talk about how important it is to do impact assessments before we lose the ATMs, so those issues are closely considered.

The Association of Convenience Stores has criticised LINK’S FIP, saying that, “it is not clear whether LINK has the resources to implement these commitments across the network.” For example, LINK previously identified 2,651 deprived areas in the UK that are eligible for free-to-use ATM subsidy, but 10 years after the introduction of the FIP, 824 of those did not have free access to cash within a 1 km radius.

We need to watch what commitments LINK makes to ensure that ATM networks in rural areas are properly protected as rates are reduced further in the years ahead. The question is whether the LINK process of identifying vulnerable ATMs is working or whether we need to have further impact assessments. As the hon. Member for High Peak (Ruth George) said, we need to ensure that this is not a “wait and see” game. We must work ahead of time to ensure that people are not
negatively affected when they lose their ATMs. That is a huge issue across my Angus constituency, and for hon. Members across the Chamber.

Luke Graham (Ochil and South Perthshire) (Con): I know that my hon. Friend is drawing her speech to a close, but she is talking about impact statements, which are especially important. It is something I raised in my ten-minute rule Bill. Does she agree that we need to have different impact analysis for rural and urban areas? Some of the evidence she cited about constituents being disadvantaged is the same for Ochil and South Perthshire.

I have a constituent in her 80s, who lives in St Fillans, who was told to “nip to Perth” to do her banking. That is a journey of 50-plus miles that would take more than two hours on the bus, especially in bad weather. Members who know the geography and weather in my part of the world will appreciate that that is no easy feat for a woman in her 80s who walks with two sticks.

Kirstene Hair: I thank my hon. Friend for his intervention. I know his constituency very well, both the geography and the weather, so I know it is important, as I said at the beginning of my speech, that the most vulnerable in our society have that provision and that it is easy to access. I look forward to hearing the Minister’s response.

9.53 am

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate. I congratulate the hon. Member for Rutherglen and Hamilton West (Ged Killen) on bringing forward an issue that is important for every one of us here. It is a particularly important issue for me, as I have fought for ATM retention in many places across my constituency, sometimes successfully and sometimes not, mostly due to bank closures. I will use the time available today to do that.

For those who hail from a rural constituency, the availability of free-to-use ATMs is existential. The hon. Gentleman and the hon. Member for Angus (Kirstene Hair) have both outlined the importance of that. In recent times, bank closures have severely affected rural communities, particularly those in my constituency, where I think we have had seven bank closures. I live on the Ards peninsula, and the effect of the closures on the rural community is intense. When the banks close, often no ATMs are retained because the building is sold and there is nowhere to put it, which is very frustrating. My hon. Friend the Member for East Londonderry (Mr Campbell) made a salient point: whenever the banks move out of the villages and toward the town centres, the business moves with them, meaning that villages and small places come under intense pressure.

Vyonne Fovargue: Does the hon. Gentleman agree that it is not just bank closures but post office closures that have that effect? Although the closure programme for small post offices has been completed, two post offices in my constituency have closed because the sub-postmasters have resigned and they cannot get anyone else to do it. The Payment Systems Regulator, which told me that cash is available at post offices, has not taken that into account.

Jim Shannon: The hon. Lady is absolutely right. We have not had so many post office closures in my constituency—we have been able to defray those by moving post offices into shops and so on—but I know that the effect on rural communities is immense. On the Ards peninsula we recently lost the Ulster Bank branch in Kircubbin, with a mobile bank in place at present.

The British Bankers Association investigated lending data and found that bank closures dampen lending growth to small and medium-sized enterprises by a massive 63%. I am sure that other hon. Members can reflect that. The figure rose to 104% in areas that had lost their last bank. We must consider the impact on SMEs, because it is a significant and damaging drop in funding for areas already under commercial and economic pressure.

David Simpson (Upper Bann) (DUP): Does my hon. Friend agree that the fact that between 150 and 250 ATMs are closing per month in Northern Ireland, as the Belfast Telegraph recently reported, is causing major difficulties, especially for pensioners and those not able to get out?

Jim Shannon: My hon. Friend makes a salient evidential point, which contributes greatly to the debate. The removal of any ATM services will have a further, extreme impact on rural communities and convenience shops. It must be remembered that currently there remain more cash transactions than any other method. We need to ensure that cash is available to people as they need it and that we do not return to people hiding money in the house because they cannot easily access their cash.

I live in a community where it is not unusual for people to keep their money at home. Those of an elderly disposition more often than not even keep their savings there. A few years ago my wife’s aunt was burgled and lost her life savings as a result of two people taking advantage of a vulnerable lady with poor eyesight. More than one constituent has told me that since the latest banking crash they lift their money after pay day and keep it at home. That is not safe and it is not what we advocate. It must also be remembered that many ATMs provide other services such as pin number changes and balance inquiries. For those who do not have reliable broadband at home, these machines are essential for the correct control of finances. These problems make the ATM debate so important.

Polling research by Which? found that cash remains popular and important. The research showed that almost three quarters of people, or 73%, use cash at least two or three times a week, including 60% of 18 to 24-year-olds, which is quite interesting. Only 5% of people use cash once every three months or less, and the majority of consumers still rely on cash in some circumstances. Which? magazine research further found that 57% of consumers say that they have experienced a situation in the last three months in which they could only pay by cash. Two thirds, or 67%, of people say that cash is important for making small purchases, and six in 10 say that it is important for paying for occasional professional services, such as babysitting and cleaning.

Mr Gregory Campbell: Does my hon. Friend agree that the other statistic we should bear in mind is that the number of contactless payments is going up exponentially
every single month? The greater likelihood is that there will be many millions more of that type of payment, leading to greater numbers of breakdowns of contactless payments, which will leave people without cash or the ability to pay otherwise?

Jim Shannon: My hon. Friend illustrates clearly where the focus is moving as more people use contactless payment methods. Cash is still a widely used payment method. It is relied upon not just by consumers, but by those receiving payments, with 52% saying it is an important way of being paid. It is imperative that rural communities have access to these services, which I believe we must secure. That is why I support Which? magazine’s suggestion to deal with the ATM concern, which has been taken up by the magazine and other consumer bodies. It responded to the LINK review by pointing out that ATMs are only one part of the cash nexus that needs to be protected. It believes that without a wider strategy for cash, the closure of bank branches, post offices—the hon. Member for Makerfield (Yvonne Fovargue) referred to that—and ATMs could mean that the UK reaches a point where maintaining the current system of free-to-access cash is no longer viable. We have to look at the end result of what we are heading towards.

There are also potential risks to all UK consumers and businesses if we no longer have a sustainable cash network. Recent IT failures have underlined for many people who do all their transactions by card and are almost in a cash-free environment that, whenever their card or bank fails, they are in big trouble. For example, IT failures at RBS highlighted that the distribution of cash can be critical to national infrastructure and is often the only viable alternative for a consumer or business that cannot make an electronic payment.

That is why Which? has called on the Government to take urgent action to protect cash by placing a duty on the Payment Systems Regulator to protect access to cash and to ensure the sustainability of the UK’s cash infrastructure. Will the Minister address that and assure the House, Members here and people watching from elsewhere that that will be the case? It would support consumer choice, prevent financial exclusion, ensure that there remains access to a secure, non-digital form of payment and promote effective competition across all payments.

With all that in mind, I put that suggestion to the Minister for his consideration. I look forward to hearing from him and the Government on how we can ensure that services are available UK-wide, particularly in rural areas. I again thank the hon. Member for Rutherglen and Hamilton West for securing the debate.

10.1 am

Douglas Ross (Moray) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Rutherglen and Hamilton West (Ged Killen) on securing the debate and on introducing it so well. I was delighted to agree to be a co-sponsor when the hon. Gentleman applied for the debate to the Backbench Business Committee, and I am grateful to that Committee for granting it.

I will divide my comments into two parts. First, it is abhorrent that we should be charged to take our own money out of ATMs. There are still a few in Moray that charge for use. If I come upon one, I will actually go away to another. It might end up costing me more in money, time, fuel and inconvenience, but out of principle I would rather go to another destination than pay a company to access my own money. It is simply unacceptable that, in 2018, we still have to pay some companies to take out our hard-earned money. My constituents in Moray are particularly aggrieved about that.

However, I will focus my remarks on the availability of ATMs in high streets and rural communities, as the motion mentions. ATMs have been critical to many communities in Moray for several years, particularly in Lossiemouth and Keith. A couple of weeks ago, Bank of Scotland announced the closure of eight branches across Scotland. Some are in the constituency of my hon. Friend the Member for Angus (Kirstene Hair), but 25% of those eight are in Moray—one in Keith and one in Lossiemouth. As well as potentially closing the branches next year, the bank will also remove the ATMs.

In the 2011 census, the population of Lossiemouth was just over 6,000. That has now boomed to more than 7,000. The P-8s are coming to RAF Lossiemouth in one of the biggest UK Government investments in our defence estate, which will boost personnel numbers at the base alone by 400, and those personnel will bring their families with them as well.

The town is expanding at an excellent rate, which is encouraged by the local community, yet Bank of Scotland has decided to close its very last branch in the town. With that it will take away the ATM, so a town with a population of more than 7,000 that is expanding will go from three ATMs to two ATMs. One of those is in the local post office at Buckleys, which is up for sale. If it is sold and that ATM is lost, we could have a population of more than 7,000 and only one cash machine. That is simply unacceptable and cannot be allowed to happen.

Luke Graham: My hon. Friend makes a powerful point. Does he agree that banks are speaking with a little bit of a forked tongue? They are closing branches in the areas that really need them, such as his constituency and mine, but are happy to open them in places such as Canary Wharf and Chelsea, which are very well served by the financial system and by broadband, and where more people bank online than in our constituencies.

Douglas Ross: I absolutely agree. That issue came up at the two public meetings I have held in Lossiemouth and Keith since the potential closures were announced. The questions at Keith centred on the fact that this would not happen in the central belt of Scotland or in the capital down here in London, where there is a large footfall. Closing one branch would have less impact on communities in Glasgow or Edinburgh than closing the last branch in a town such as Lossiemouth.

My hon. Friend the Member for Angus made the excellent point that some people may decide not to shop locally if they cannot access an ATM so that they can pay by cash. We heard at my Lossiemouth public meeting that a lot of takeaway shops only accept cash payments. It is not that people go there and decide not to buy; they have already purchased on the phone. They place an order, the food is then made, and they turn up to find out that payment is by cash only. With the cash machines potentially going in Lossiemouth and Keith, they may have no opportunity to get money out, and therefore the takeaway business loses income, because it has already produced the order.
Another important point is that, yes, this has a huge impact on local residents, and particularly the elderly, but Lossiemouth and Moray are beacons for tourists coming to Scotland. We want to welcome as many tourists as possible. What will they think when they want to buy something from the local shop, when they want a memento of their visit to Lossiemouth and Moray, but there is no cash machine for them to get their money out to purchase the goods in the town? We have to consider that going forward.

The local Conservative councillor for Heldon and Laich, James Allan led a great campaign in Moray. I pass on my best regards for Councillor Allan, who unfortunately ended up at Dr Gray’s hospital yesterday. He is recovering well. James has been a real champion of this issue in his hometown of Lossiemouth. When the Royal Bank of Scotland left the town and took away its ATM, he led the campaign to reintroduce it. The RBS building has been taken over by a commercial businessman who would be absolutely delighted to retain the RBS ATM in the town, because he knows the needs of local people. He would facilitate and work that machine, but RBS has so far refused to allow the machine to reopen. It really has to consider its obligations to the community. It may leave and close branches, but it should not take lock, stock and barrel away with the ATMs as well.

James has done an excellent study of the number of cash machines in the local area. Lossiemouth, with a population of more than 7,000 and expanding, currently has three cash machines, which will potentially be down to one. Forres, with a population of 12,500, has eight cash machines. Fochabers, which I used to represent as the councillor for Fochabers and Lhanbryde, has a population of 1,700 and three cash machines, compared with a community the size of Lossiemouth, which is expanding and will potentially go down to one cash machine.

I have to say that the mobile banking provision, which the banks always say will support the communities, does not serve our communities particularly well. It is potentially available for one hour every week or every fortnight, and many of the functions of an ATM are not available at a mobile banking service. The Moray Rambler introduced by RBS now covers a far wider area than only Moray, because RBS has closed so many other branches in Aberdeenshire and the highlands and so on, and our service in Moray is diminished even further.

I will finish on a recent court judgment about ATMs in England and Wales. I was involved in an issue with Buckley’s newsagents in Lossiemouth, again with Councillor Allan. It has an ATM that faces out on to the high street, to ensure that people can use it 24 hours a day. The owner, Tony Rook, could put it inside, but it would then be available only when the shop is open. As a servant to the community, he decided to have it outward-facing. He is being punished by the Scottish Government, who have implemented far higher business rates for outward-facing ATMs than those inside a shop.

I hope that the Minister will clarify this. The issue was passed on to me by Councillor John Cowe, who attended the public meetings in Lossiemouth and who is encouraged by the judgment that came down, I think, last month. Since 2010, supermarkets and convenience stores have been liable to pay rates on the machines, but the courts have now decided that that is not correct and have ruled in favour of the supermarkets who took this forward, particularly Sainsbury’s and Tesco, meaning that the £300 million already charged will now be refunded. I agree with the Tesco spokesperson who said:

“We welcome today’s result and the confirmation of our belief that ATMs should not be separately rateable.”

I will be interested in the Minister’s response and particularly whether he has had any discussions with his Scottish Government counterpart about how they will look at the issue in Scotland, because the ruling was for England and Wales only. It will be very important and useful for us to learn what the Scottish Government will do as a result of the judgment, because it will make a big difference to people such as Tony Rook at Buckley’s newsagents.

I am grateful for your indulgence, Mr Hollobone. This is an important debate for our communities, and I am grateful to the hon. Member for Rutherglen and Hamilton West for initiating it. Banks and ATM providers have a moral obligation to the communities that we all represent and serve. The message is coming through loud and clear. Do not take away ATMs, which are an integral part of our communities; they are important for everyone who lives in and visits them. We need them, we need them to be free and we need them to be accessible and available. By shutting them down, banks and ATM providers are shutting down many of the communities that rely on them.

10.10 am

**Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab):** I am grateful to you, Mr Hollobone, for allowing me to speak in this important debate. It was a pleasure to be here this morning to listen to the important speech made by my constituency neighbour and hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen). I support his continuing efforts to stand up for the most vulnerable people in our communities through his campaigning on this important issue.

My hon. Friend has already outlined many of the concerns. I will not repeat all the arguments, but will focus on a few key areas: charges, closures and the reliance of many people on ATMs as essentially “the last bank in town” on main and high streets in towns and villages in all four nations of the United Kingdom.

Since my election to this place in 2017, a number of issues have been raised with me in my role as the local MP. One is the impact of Tory austerity on the people I represent in Coatbridge, Chryston and Bellshill. That impact has been made worse by the fact that many of the ATMs available in our community charge residents to access their own money and by the closure of three RBS branches. Forcing people to pay to withdraw their own money is crazy and, in these tough times, unfair and unjust. I call on ATM providers to think again about the impact on those who have to survive on low incomes and low wages. Those people have to turn the pennies inside out and the pounds upside down to survive, to keep a roof over their head and to keep their families warm and fed. We all have a duty to speak up for them in the House.
The figures speak for themselves. From January to July 2018, 1,300 free-to-use ATMs disappeared, at the discount rate of about 250 a month. According to analysis by Payments UK and the Bank of England, the number of people who rely almost entirely on cash has risen by more than half a million in the past two years to 3 million. Like me, my hon. Friend the Member for Rutherglen and Hamilton West has raised this issue in Parliament, through his private Member’s Bill introduced under the ten-minute rule, which has my full support. I will continue to work with him and others on the Opposition Benches on these issues.

The issue of ATM closures goes to the heart of the debate this morning. My hon. Friend was very clear in his speech that we cannot sit back and watch the programme of closures. I thank Which? for its research on this issue, which has shown that the number of closures of free-to-use ATMs is highest in rural areas. That stands to reason: ATM providers think that fewer people will complain and make a big deal of it. Well, they cannot get away with that, not on my watch, not on my hon. Friend’s watch and not on the Opposition’s watch. I know that most hon. Members here today will not allow it, either.

All colleagues will know that Coatbridge, Chryston and Bellshill is made up of towns and villages across North Lanarkshire in central Scotland. We have main towns and small villages, and I am proud to represent every one of them and all those who live in them. I am determined to stand up for their right to access their own money, in their own community, free of charge.

This debate speaks to the crisis facing our high streets and main streets. All Members of the House will recognise, as they go about their business in their constituencies, that an increasing number of pubs, businesses, post offices and banks are closing. That is why I am hugely supportive of Labour’s five-point plan to support and save Britain’s high streets, outlined by the shadow Secretary of State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Salford and Eccles (Rebecca Long Bailey), at Labour’s recent conference in Liverpool. The five points are, first, to ban ATM charges and stop bank closures and, importantly for me, stop post office closures; secondly, to improve local bus services and provide free bus travel for under-25s; thirdly, to deliver free public wi-fi in town centres; fourthly, to establish a register of landlords of empty shops in each local authority area; and, fifthly, to introduce annual revaluations of business rates, ensure a fair appeals system and review the business rates system to bring it into the 21st century.

For many people in my area, the ATM is indeed the last bank in town. If someone does not have a car to travel to the closest branch of their bank, or if they cannot afford the cost of bus travel, they rely on access to an ATM to be able to pay bills and survive. Members of the House will know that Crown post offices are branches directly managed by Post Office Ltd, which is wholly owned by the Government—or should I say by the people who elected every Member of this House. Let us take this opportunity to pay tribute to the postal workers who campaigned in Scotland, England, Wales and Northern Ireland on Saturday for the national day of action to save our post offices. I was proud to campaign with postal workers in Scotland; I am proud of my brothers and sisters in the Communication Workers Union.

As part of the “modernisation” programme, Post Office Ltd has been involved in the privatisation of Crown post offices. The Post Office closes down the Crown post office and looks for a retailer to take over the counter. We are paying £31 million—it is Government money—to subsidise our post offices. That is not good enough. I am delighted that the next Labour Government will stop the franchising of Crown post offices by introducing a new condition into the Post Office’s funding agreement—that no further Crown post office branches will be closed. That will be an important step forward and is so necessary.

I thank my hon. Friend the Member for Rutherglen and Hamilton West for his leadership on this issue and for introducing the debate today. I will fully support him as he continues his endeavours.

10.17 am

Ruth Smeeth (Stoke-on-Trent North) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) on securing such an important debate on an issue that is of genuine concern to many of my local residents across Stoke-on-Trent North and Kidsgrove. The issue affects both rural and urban communities. Up and down our country, towns and smaller communities are losing access to community-based financial services on an almost monthly basis. These are not “nice to have” facilities; they are a lifeline for people and communities that still depend heavily on cash. I am of course referring to the community banking services—whether that means the local bank branch or the local ATM machines—on which so many people depend.

Earlier this year, I raised the issue of the impact of the closure of local bank branches, which we are also losing at an unprecedented rate. However, basic access to cash is now disappearing from our high streets. LINK’s own figures show that we are losing free-to-use ATMs at the rate of 250 a month. When we explore the reasons for this extraordinary cut to provision, we find that there are multiple excuses, but as my hon. Friend the Member for Rutherglen and Hamilton West made clear, it is in large part because of LINK’s cut in the interchange fee—a decision that had serious repercussions for our ATM network even before it was fully implemented.

The loss of these services is a serious problem in its own right, but there is a larger concern, too. The closure of well-used local bank branches in my constituency and the associated impact on residents and businesses have unfortunately been all too obvious in the last year. Burslem, Kidsgrove and Tunstall have all lost popular local branches. In the case of Burslem, we have found ourselves without a single bank branch left in the town and with no replacement of the ATMs that the NatWest and Lloyds banks operated until their closure. The sector’s lack of local understanding is evident all too often in its decision making. In Tunstall, the Co-operative bank justified its branch closure by stating that customers would be able to access the NatWest across the road. Unfortunately, that bank had already closed and its ATM machine went with it.
[Ruth Smeeth]

For communities that have already lost all-important branches and access to personal banking, ATMs represent a financial service of last resort—a fall-back for the millions of people who still make cash purchases every single day, and for those who do not make contactless payments and prefer to manage their household budgets by allocating cash towards their bills. To do that requires free access to money. A charge of £3.50 to access cash—as in parts of my constituency—is an extraordinarily large proportion for someone taking out only £10 or £20. As ever, those most struggling financially are being punished by the decisions of a faceless corporation.

In Burslem, the mother-town of the potteries, the closure of our last bank means that the only remaining free-to-use ATMs are inside retail facilities and there is nowhere for residents to withdraw cash in the evening. For a town with a thriving night-time economy, that is not just a hindrance to trade but a threat to public safety. Mr Hollobone, if you should leave the pub in Burslem late at night—I am sure you never would—and need money for a taxi, your only option is a long, dimly-lit walk to an out-of-town petrol station. That trip, understandably, could be threatening for many people, especially women, who would not want to make that journey alone. Alternatively, they would have to take a taxi and ask the driver to take them to an ATM and wait, which is far from ideal and costs more money.

In too many parts of my constituency and our country, free-to-use cash points are getting harder to find and further to reach, especially in areas of financial vulnerability. This is exactly the scenario that LINK’s financial inclusion programme was designed to prevent; it was supposed to identify the needs of rural and deprived areas and provide additional funding to ensure that communities did not have to travel more than 1 km, as we have already said, but it is not working. Huge swathes of my constituency do not have access to their money. Neither Goldenhill nor Chell Heath can access a free-to-use ATM within 1 km. In parts of my constituency, this is leading to a spike in the use of illegal loan sharks. There are human consequences to the decisions that LINK is making.

Often, the machines that LINK considers easily accessible to a community are not. The geography or terrain should also be considered. Given that an ATM costs between £7,000 and £10,000 to reinstall, it is almost impossible to get new ATMs in place where there is no provision. I know how important these services are to my constituents, which is why I secured a debate on our community, which is why I welcome this debate and congratulate my hon. Friend the Member for Rutherglen and Hamilton West on securing it. I fully support calls to protect our free-to-use ATM network and ensure every community has access to the services it needs.

Mr Philip Hollobone (in the Chair): We now come to the Front-Bench speeches, beginning with Patricia Gibson for the Scottish National party. The guideline limits are 10 minutes for the SNP, 10 minutes for Her Majesty’s Opposition and 10 minutes for the Minister. Then we will allow Ged Killen three minutes at the end to sum up the debate.

10.23 am

Patricia Gibson (North Ayrshire and Arran) (SNP): I thank the hon. Member for Rutherglen and Hamilton West (Ged Killen) for bringing this important debate, and for the work he has done on this issue. I am pleased to participate in this debate on the important issue of our constituents’ access to their own cash free of charge and, ultimately, the issue of social and financial inclusion.

We have heard that 2.2 million people across the United Kingdom are entirely reliant on cash, as opposed to credit or debit cards. It must be correct that we should all be able to access our own cash without incurring any charges. The fact is, those who are reliant on cash transactions tend to be less well-off and are the least able to pay any additional cost to access what little cash they have.

As the hon. Gentleman pointed out, earlier this year LINK, the UK’s largest cash-machine network, announced that it would go ahead with plans to cut its interchange fee by 20% over the next five years. As a result, we have seen hundreds of ATMs closing. Scotland has been hit hard, with 221 free cash machines lost between January and July 2018—around one every day. There are now fewer than 6,000 free cash machines left in Scotland. That sits uncomfortably alongside bank branch closures, as the hon. Member for Strangford (Jim Shannon) pointed out, with banks closing at a rate of 60 each month, leaving significant towns in my constituency—such as West Kilbricde, Dalry, Brethe, Stevenston, Ardrossan, Kilwinning—with no bank at all thanks to RBS closures. The communities affected will never forgive RBS for this abandonment and betrayal. I believe that RBS will never again be trusted, nor will it have its reputation repaired. It is still disappointing that the UK Government did not intervene and use what influence they had in that matter.

We have also heard that post office closures, stretching back to 2007 and 2008, have compounded the issue, as the hon. Member for Makerfield (Yvonne Fovargue) pointed out. As the hon. Member for Strangford said, we have the additional problem of postmasters not being replaced; so the issue is snowballing.

I fairly enjoyed the hon. Member for Moray (Douglas Ross) doing his impersonation of a trapeze artist when he tried to blame—if I heard him correctly—the shortage of ATMs and the impact on small businesses on the Scottish Government. He will be well aware, I am sure, that thousands of businesses in Scotland have benefited from the small business bonus. I think anybody in Westminster Hall would agree, looking at the evidence, that the major issue facing small businesses is the concern and uncertainty caused by Brexit. We will just leave that there.

Douglas Ross: Will the hon. Lady give way?

Patricia Gibson: I will not give way. I will proceed.
So far, 2018 has seen 670 local bank branches closing across Scotland, following close on the heels of the 879 that closed in 2017. In response to this debate, the banks will no doubt tell us that fewer and fewer of us use cash in our transactions; but research shows that at least three-quarters of us use cash at least two or three times a week and it is still the most popular method of payment. The hon. Member for Stoke-on-Trent North (Ruth Smeeth) pointed out—as did almost every contributor to the debate—that those on lower incomes and older people are likely to be hardest-hit by any reductions in access to cash. The less well-off you are and the older you are, the more likely you are to rely on cash transactions, with just over a quarter of people not using card payments at all.

This perfect storm of a reduction in free ATMs and bank closures means that now there are real concerns about the effect that the closures will have on consumers and small businesses without adequate access to cash. This financial and social exclusion is utterly unacceptable. Consumers are gradually being forced into online banking, and the evidence suggests that now they are being gradually forced into cashless transactions—so much for consumer choice.

We heard from the hon. Member for Rutherglen and Hamilton West that in January 2018, LINK announced a series of four reductions in the interchange fee—the amount paid every time a customer uses a free ATM, and which funds the entire free-to-use network—from around 25p per transaction to 20p. However, concerns have been raised and, as we heard from the hon. Gentleman, the third and fourth reductions have been cancelled and put on hold respectively. Cutting the interchange fee was supposed to reduce machines in areas where there were considered to be too many, but maintain geographical coverage of ATMs across the UK. LINK commissioned a review to consider consumer requirements for cash machines over the next five to 15 years. That review was cognisant of the fact that financial inclusion is extremely important for all consumers and will remain so. Their needs and requirements must be met. Like all hon. Members in Westminster Hall today, I look forward to the findings of that review in March.

Meanwhile, research carried out by Which? is truly shocking. It shows that free-to-use ATMs are closing at a rate of 250 a month, while over 100 ATMs with so-called protected status have stopped transacting in the same period. The hon. Member for Rutherglen and Hamilton West set out the challenges associated with ATMs with protected status. Analysis shows that from November 2017 to April 2018, following LINK’s announcement about cutting the fees paid for each ATM transaction, the rate of cashpoint closures increased from around 50 per month to 300 each month. LINK’s own figures show that between January and June this year, 500 cashpoints closed each month. The implications of all this are extremely significant, with more machines being lost in rural communities despite LINK’s pledge that changes would only target urban machines, not rural ones.

Just under half of us use a cashpoint at least once a week, with 80% of us saying that access to free-to-use cash machines is important in our daily lives for paying for goods and services. Forcing people to pay to access their own cash would leave around 10% of us struggling and would constitute nothing less than financial exclusion. It would hit small and local businesses hard, as was set out in some detail by the hon. Member for Strangford.

As the hon. Member for Rutherglen and Hamilton West said, already many people struggle to access free cashpoints, with around 11% of us having to walk for more than 30 minutes to access the nearest cash machine and around 9% saying that the nearest machine is simply too far away to reach on foot. That, coupled with the fact that many people do not have access to a car, makes life extremely difficult, as the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) reminded us.

One in five of us currently does not have access to free-to-use cash, but it seems this might get worse. That is why the calls from Which? for the Payment Systems Regulator to bring more regulatory scrutiny and intervention to bear on this issue are so important. I agree that it is time for the financial inclusion programme to be amended to ensure that the entire ATM network is fit for purpose. LINK has tried to address concerns that all ATMs 1 km or more from the next free ATM will be exempt from any reductions and cuts to fees for transactions made and is increasing the subsidy for these machines, but there is some concern that these measures, although well-meaning, simply do not go far enough. Exempting individual cashpoints from cuts to fees might not be enough to save them. Cashpoint closures are not decided by LINK. We know that recent closures and the inability of LINK to quickly and effectively replace protected machines shows the shortcomings of the current approach.

We have heard from many Members today that it really is time for the Payment Systems Regulator to show its teeth. It seems eminently sensible for the PSR to conduct its own review of LINK’s financial inclusion programme, including the ATM replacement process, because that must be fit for purpose. The Government must also beef up the powers of the PSR to allow it to protect cash, and impose a duty of care on it to ensure the sustainability of the UK’s cash infrastructure. I believe that would do much to protect consumers, the choices they want to make and their financial inclusion.

If it had the power from Government, the PSR could introduce robust measures to ensure that all our communities have free and easy access to their own cash. I urge the Minister to set out how he can empower, and what he is prepared to do to empower, the PSR, to ensure that there is a robust future for free-to-use cash machines. In correspondence with me on 12 September, the PSR has admitted that it is “concerned about these closures”.

**Douglas Ross:**

**Patricia Gibson:** I am hoping the Minister will heed the calls he has heard from all parts of Westminster Hall today to work across party lines to ensure a sustainable, inclusive approach on this issue that works for all consumers.

10.33 am

**Gill Furniss** (Sheffield, Brightside and Hillsborough) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) on securing this important and timely debate. I know that he is an avid campaigner in this area and that this
debate follows the introduction of his Banking (Cash Machine Charges and Financial Inclusion) Bill, which is intended primarily to end cash machine charges.

Small businesses form the backbone of our economy. Over the past weekend parliamentarians and citizens across the UK had an opportunity to support our small businesses during Small Business Saturday. They are vital to our local communities, from large towns to small rural communities, but in order to survive and thrive they need the infrastructure conducive to their running, which includes a vibrant network of free-to-use ATMs.

As has been outlined, ATMs are under threat. Earlier this year LINK decided to begin a phased reduction of the interchange fee by 5% from 1 July 2018. This reduction in the funding formula has led to concerns that ATMs will become financially unviable, resulting in closure or an increase in the number of fee-charging ATMs. Despite all the discussion to the effect that we are all transforming into a cashless society, recent research by Which? highlighted that demand for cash and physical financial infrastructure remains, and that these services are important to everyday life. In a survey of over 1,200 members in Scotland, Which? found that 44% of people use a cashpoint at least once a week, that nine in 10 people said that free-to-use cash machines are important to their everyday lives, and of those, more than half described them as essential for day-to-day living, with this figure remaining similar across every age group. My hon. Friend the Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney) eloquently reminded us of that.

A reduction would also lead to one in seven people being deterred from using outlets that accept cash only, placing a strain on consumers and retailers alike. Similarly, a poll of Federation of Small Businesses members found that 59% of retail businesses felt that a cash machine was useful to their business. In addition, 50% of businesses said that their nearest free-to-use cashpoint was already over 1 km away. Many hon. Friends have referred to this scandal today. Although LINK has said that it will provide funding to ensure that there is always a free A TM at least 1 km from another one, in practice this has proved difficult to implement and there are concerns that this standard does not provide free-to-use ATMs in the areas where they are needed most.

The ATMs Industry Association has calculated that at least 10,000 free-to-use cash machines could be at risk—almost one in five of the 54,000 ATMs at which customers can withdraw cash without incurring fees. The organisation has found that the worst-hit regions for independent, free-to-use cash machines are set to be rural south-west England, Scotland and urban south-east England, outside London. The Which? and FSB research has shown that there remains a demand for free-to-use cash machines, that reductions could damage consumers and businesses, and that the public could be forced to use paying machines if free-to-use options are reduced. Any reduction will be most harshly felt in rural and deprived areas.

First, I assure hon. Members present, and across the House, that the Government recognise that widespread free access to cash remains extremely important for the day-to-day lives of many consumers and businesses in the UK, particularly the most vulnerable members of our society. Ultimately, the Government’s approach to payments is one of facilitating maximum choice; consumers should be free to choose the method of payment that best suits them. I acknowledge that several scenarios have been set out, particularly for rural and less affluent areas, and I will come on to address some actions that can be taken at different levels to deal with those challenges.

The fundamental context for the problem is the rise of digital payments and the decline in cash use. The UK has one of the most extensive free ATM networks in the world; some 82% of the ATM network is free. I listened carefully to the remarks of my hon. Friend the Member for Moray (Douglas Ross), who resists the option to pay a fee. I share his antipathy to that situation, but 98% of all ATM transactions are conducted on free ATMs. Moreover, the free ATM network has increased by 40% in the past 10 years and the number of pay-to-use ATMs has fallen by a similar percentage.
However, we must all acknowledge that people are increasingly moving away from cash and towards digital payments. To be specific, in the UK, cash use has fallen from 61% of all payments in 2007 to a remarkable 34% last year. That fall is expected to continue at pace. Correspondingly, the declining number of withdrawals at ATMs is forecast to continue as cash usage by consumers for payments declines. We can all, therefore, recognise the challenge of maintaining efficient, free access to cash.

In response to that challenge, LINK—the UK’s ATM network—announced a series of reforms at the beginning of the year, which have provided the main focus of the debate. Its work to maintain widespread free access to cash involves acknowledging that 80% of free ATMs are within 300 metres of one another. There is evidence that too many ATMs are clustered in busy, urban areas, which unnecessarily duplicates the supply of that service. Therefore, LINK’s measures aim to reduce the amount of ATM duplication in urban areas and avoid unnecessary growth in ATM numbers, despite the observed decline in consumer demand for cash.

**Jim Shannon:** The Minister says that there has certainly been a downturn in the use of cash, but I remind him that we have to acknowledge that almost three quarters of people use cash two to three times per week. An interesting trend, which we cannot ignore, is that 60% of 18 to 24-year-olds also use cash at that level, so it is still vital.

**John Glen:** I acknowledge that we are not seeing the end of cash. The challenge is how we adapt to the different mode and frequency of its use. There is no simple single solution. Clearly, creating a complete network in sparsely populated areas will not always be the right answer.

Although the hon. Member for Makerfield (Yvonne Fovargue) is not in her place, for general edification I will respond to her point about the lack of notice when ATM operators move. They have a duty to inform LINK that a protected ATM will close. LINK can offer premiums to all its members to incentivise the replacement of the machine. It has set up a publicly available monitoring tool on its website that shows ATM availability. It has the power to mandate and directly commission an ATM deployer where one is necessary.

LINK’s measures aim to reduce the duplication that I mentioned earlier and to intervene where necessary. It aims to incentivise broad, national coverage of free ATMs and to protect every community across the UK from losing free ATM access. Specifically, LINK has ensured that free ATMs that are 1 km or more from the nearest free ATM are exempt from any reductions in the interchange fees that fund free ATMs. It has put in place specific arrangements to protect free ATMs more than 1 km away from the nearest free ATM, including boosting the interchange fee available in those areas. It has also enhanced its financial inclusion programme by tripling the interchange fee available to the lowest-income areas of the UK, to ensure that they all have at least one free ATM. Some 93%—an all-time high—of the most deprived areas in the UK have a free ATM.

That fact has to be seen in the context of the £2 billion investment in the Post Office since 2010. The £370 million that is earmarked for 2018-21 is designed to maintain the last post office in the village and ensure that consumers can use the over-the-counter option to secure cash.

**Douglas Ross:** I am grateful to the Minister for his courtesy in giving way—a courtesy that was sadly lacking in the hon. Member for North Ayrshire and Arran (Patricia Gibson). As he is speaking about post offices, does he think that the hon. Lady did not take my intervention because she is fully aware that business rates are overseen by the SNP Scottish Government in Scotland? The problem for the Lossiemouth post office is that it is being punished by the SNP Scottish Government for having its ATM facing outwards and accessible 24/7 rather than inside the post office, which has therefore reduced the hours when the ATM is accessible.

**John Glen:** In response to my hon. Friend’s earlier request, the Government are aware of the Valuation Office Agency’s ruling and are considering their response, which will come in due course. He points out that there is a clear distinction in that behaviour.

**Carol Monaghan** (Glasgow North West) (SNP): The Minister talks about the importance of keeping an ATM in rural and deprived areas. The difficulty is that when there is only one ATM in such areas, it often experiences high levels of usage and regularly runs out of cash, which is worse than not having it at all in some ways. I encourage him to do what he can to ensure that we keep a network, even in such areas.

**Patricia Gibson:** Will the Minister give way?

**John Glen:** Yes; I have a bit of extra time.

**Patricia Gibson:** The Minister mentioned the Payment Systems Regulator, so before he moves on I want to ask whether he is considering giving it greater powers to protect cash, and imposing a duty of care on it, to ensure that the UK’s cash infrastructure is sustainable. That would address a lot of the concerns that hon. Members have expressed.

**John Glen:** I will come on to talk about the powers of the Payment Systems Regulator, which I have met. My judgment is that it has considerable power over the LINK network. It can mandate LINK to do certain things and it can impose fines. I would need to look carefully at what that proposal would involve and where it would be different from the powers that LINK has at the moment.

I acknowledge LINK’s independent review, which is chaired by Natalie Ceeney. As was mentioned earlier, the report will be published in March. It is looking at long-term access to cash and exploring further the impact on consumers and small businesses of the shift from cash to digital payments. I have met Natalie Ceeney and encouraged her to look as broadly as possible at this issue. I imagine that the nature of her powers, as well as what she needs to do her job, will be part of her report.
This House should also note that the payment systems regulator, which the Government established in 2015 to ensure that payment systems work well for those who use them and which regulates LINK, has taken a lead in examining this issue. Following the first publication of LINK’s ATM footprint report, the regulator used its powers to place a specific direction on LINK. This is designed to make sure that LINK does all it can to fulfil its public commitment to preserve the broad geographic spread of free ATMs and to report to the regulator on a regular basis.

I think I have addressed a number of the concerns raised in the debate. The Government have invested heavily in maintaining a stable network of post office branches. Anyone can use their LINK-enabled bank card to take money out for free at the counter of every one of the 11,500 post offices in the UK. I acknowledge that a post office needs to be open for that to happen, so I am not presenting it as a perfect solution, but it is a significant alternative source of cash for many people.

Additionally, in the autumn Budget at the end of October the Chancellor announced the Government’s plan to help local high streets to evolve and adapt to changing consumer demands. It included £675 million for the future high streets fund to support local areas’ plans to make their high streets and town centres fit for the future.

The hon. Member for Rotherglen and Hamilton West raised a couple of specific points about digital payments failure. The Treasury and the UK financial authorities take this issue very seriously and are investing in improving the operational resilience of the system, including cyber, across the financial sector. Over the next five years, £1.9 billion will be spent on cyber-security initiatives.

The hon. Gentleman also asked about helping the vulnerable. The Department for Digital, Culture, Media and Sport has a digital skills partnership that is looking at partnerships across the private, public and charity sectors, which also involves training in digital skills for adults.

On the point about the powers of the PSR, it has the power to direct LINK and impose financial penalties; it is committed to using those powers. It also made a direct intervention on the interchange fees to LINK to deal with this issue.

To conclude, I thank the hon. Member for Rotherglen and Hamilton West for raising this issue. It is surely right that we consider the impact of an increasingly digital world and ensure that we protect those who need to be able to pay by cash. In the here and now, cash use remains important; it is still the second most frequently used payment method, just behind debit cards. We also know that around 2.2 million consumers predominantly use cash, many of whom are the more vulnerable members of our society.

I take this matter very seriously. I chair the Government’s financial inclusion forum, and for me there is a combination of interventions. There will be interventions from the regulator to deal with those who are making it very difficult for people to access affordable credit. However, this issue is also about increasing capacity.

I do not rule anything out in terms of efforts to improve the situation. With my officials, I have spoken to the PSR about this issue, and it has engaged with the regulator and LINK on this topic. I assure the Chamber this morning that I will continue to emphasise the importance that this Government place on widespread free access to cash.

10.53 am

Ged Killen: I thank hon. Members for taking part in this debate; I was encouraged to see so many people first thing on what promises to be a very long day indeed.

I also thank the Minister for his response. Unfortunately, for some of it I felt like I was hearing the LINK briefing that I have heard a thousand times being repeated back at me, but there were some interesting things in there that I agreed with. I was encouraged to hear him say that the authorities were investing in cyber security, but I suggest to him that the people who are seeking to undermine our security are also invested in that endeavour.

As we witness the rise of digital technology, which the Minister mentioned, we have to consider the experience of other countries, such as Sweden, that are now retrospectively looking at Government intervention. We have a chance in this country to get ahead of that by considering intervention now.

I agree with the Minister when he says that this issue is about consumer choice; he is right about that. However, having listened to the concerns of Members here today, he will understand that that choice is being taken away from some people, due to the lack of availability of free cash. He can quote some favourable statistics showing that the situation is better than we might have suggested, but on the ground the picture is very different for the communities that we represent.

We all recognised what the hon. Member for Moray (Douglas Ross) said about going to other ATM machines if he finds one that is charging a fee. I am exactly the same. Unfortunately, as he said, not everyone has the ability to go to another ATM.

The hon. Gentleman made an interesting point about business rates, which must be looked at. I have heard these concerns expressed many times by shop owners in particular. They are concerned not just because ATM machines attract business rates; as I understand it, an ATM machine in a store actually increases the rateable value of that store overall, which brings additional costs for that business. We need ATMs to be there if there are no bank branches offering ATM provision.

The hon. Member for Strangford (Jim Shannon) said that cash transactions were still in high use. From memory, when I spoke to Tesco it told me that over 60% of its transactions in store are still cash, and that there is a withdrawal from one of its ATM machines every 10 seconds. So, it is simply not right to say that cash is on the way out yet. As I have said, we are in a transition towards a cashless society, but we are not there yet and we have to get that transition right.

My hon. Friend the Member for Stoke-on-Trent North (Ruth Smeeth) said that services such as ATM provision were a lifeline for our communities, and spoke about the percentage of someone’s income that they could pay out in charges if they withdrew £10 from an ATM machine and were charged. Of course, if that person has only £10 in the bank, they will be unable to withdraw that from one of these ATM machines that charge.
I conclude by giving my private Member’s Bill one final plug. I am pleased to report that the inventor of the ATM machine and the PIN code, James Goodfellow, is alive and well in Scotland. Mr Goodfellow supports my private Member’s Bill. So, if the Minister is unwilling to take my word for how important this issue is, perhaps he will consider taking the word of the inventor of the ATM machine.

*Question put and agreed to.*

*Resolved.*

That this House has considered the effect of ATM closures on towns, high streets and rural communities.

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**Out-of-area Education: Cared-for Children**

10.57 am

**Gordon Henderson (Sittingbourne and Sheppey) (Con):** I beg to move,

That this House has considered cared-for children educated out of area.

It is a delight to see you in the Chair, Mr Hollobone. I should first explain, for those who may know them by another name, that cared-for children are the same as looked-after children—so if I refer to looked-after children in my speech, people will understand who I am referring to.

The use of children as drug mules by “county lines” gangs seems to make the news almost daily. Some might think that this is a new problem, but it is not. A year ago, almost to the day, there was an article in *The Times* about thousands of children being groomed as drug mules. A couple of days later there were two letters in the same newspaper from headteachers in east Kent, complaining about the number of looked-after children being placed in children’s homes and foster homes in Kent by local authorities from outside Kent, particularly London boroughs. It is outrageous that the most vulnerable children should be sent to one of the most deprived and challenging parts of the country, and of course those vulnerable children are most at risk of falling prey to criminals. There is an acknowledged link between the growth of drug-related gang crime in Kent and the number of looked-after children being sent to the county from London.

Protocols are in place that are supposed to prevent local authorities sending looked-after children farther than 20 miles from their home, and local authorities are not allowed to place a child in foster care without first securing a school place, but the protocols are repeatedly ignored, which means the problem is getting worse. Increasing numbers of looked-after children are being placed in Kent, not only by London boroughs but by counties as far away as Hampshire and Wiltshire. Indeed, only last week Buckinghamshire sent three children to a school in Thanet. That not only places many of the children in danger, but puts pressure on already hard-pressed schools and on Kent’s social services. The problem is made worse because the children are, in the main, placed in areas where there are already pockets of deep social deprivation, such as my constituency, which currently has the largest number of looked-after children from outside the area in Kent.

**Jim Shannon (Strangford) (DUP):** I congratulate the hon. Gentleman on bringing the matter to the House. Sometimes it may not be of the utmost importance to many people, but it is an issue of importance to us across the whole of the United Kingdom of Great Britain and Northern Ireland. I will give an example of how this is happening not just in the hon. Gentleman’s area. The number of children per capita in Northern Ireland is the lowest in the UK, but there is still a lack of available foster carers, which means that children are fostered, and therefore educated, out of their home area. Moving school is incredibly difficult for children. Does he agree that there must be a better way of ensuring that there is as little upheaval as possible, and that kinship fostering should be encouraged?
**Gordon Henderson:** I fully agree with my hon. Friend—he is my friend—that that is a problem. He is right that there are other solutions, one of which is to increase the funds available to local authorities so that they can pay more to keep children in their own areas.

As I was saying, pressure is put not only on our local schools but on social services, and the problem is exacerbated by children often being put in areas of deep social deprivation. The chairman of the Kent Association of Headteachers, Alan Brookes, who also happens to be the headteacher of one of the best secondary schools in my constituency, told me:

“The fact that there are currently 353 out-of-county looked-after children in Swale and Thanet, but only 42 in Tonbridge and Tunbridge Wells, clearly demonstrates that market forces, rather than morality, are driving this practice.”

Alan gave me that information over a year ago, a month before *The Times* published its article, and I shared, and still share, his concerns. I wrote to the Minister for Children and Families, who acknowledged our joint concerns regarding

“areas being chosen for out-of-authority placements and the relationships of placing authorities with school.”

I hoped that such an acknowledgment would prompt at least some sort of action. However, we are a year on and nothing has happened, other than that the situation has worsened. There are now 1,329 out-of-county looked-after children in Kent, 467 of whom live in Swale and Thanet—Swale is the local authority covering my constituency. That is 40% of the total in the whole of Kent, and 30% more than 12 months ago. Those 1,329 children have been moved away from their home areas, their friends and the surroundings in which they were born. Being moved so far from home is not good for vulnerable youngsters, for the Kent schools that are expected to educate them, or for Kent social services, which are expected to look after them.

In conclusion, I will read out one of the letters I spoke about at the beginning of my speech, because it expresses in stark terms the frustration felt by many headteachers in Kent. It reads:

“Sir, as a head teacher in Margate the terminology of cuckoo houses and county lines is all too familiar to me. Local authorities have shown irresponsibility and an utter lack of morality by sending their most vulnerable young people to Margate in order to secure cheap foster care. This is a national disgrace of the magnitude we have seen in Rotherham, yet head teachers are threatened with ‘secretary of state direction’ when they make a stand and refuse. It is time the Government prevented this obscene dumping of children.”

I could not have put it better myself.

11.6 am

**The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi):** It is a privilege to serve under your chairmanship, Mr Hollobone. I thank my hon. Friend the Member for Sittingbourne and Sheppey (Gordon Henderson) for securing this important debate. I know that the education of children in care placed in Kent from other authorities is a long-standing concern for him and a number of his colleagues in neighbouring constituencies. In September, I met my hon. Friend. I invited him and a number of his colleagues to join me for a roundtable meeting with the Association of Virtual School Heads. The issue is clearly engaging many Kent Members of Parliament.

Children in care are some of our most vulnerable children, and we know that their educational and other outcomes are nowhere near as good as they should be, even when their pre-care experience and high levels of special educational needs are taken into account. That is something that I, as the Children’s Minister, am absolutely determined to address. I am committed to doing everything I can to ensure that children in care have the opportunities I want for my own children, which is why I stress that the language I sometimes hear and read, of children in care being “dumped” in other areas, is particularly unhelpful. It is in many ways an oversimplification of a complex issue, which fails to recognise the crucial role that out-of-area placements can play in, for example, disrupting gang violence, trafficking and sexual exploitation. Of equal concern is the stigma and narrative it attaches to this vulnerable group of children and young people in the communities in which they are placed.

That is not to underplay the concerns of my hon. Friend the Member for Sittingbourne and Sheppey, including his desire, which I absolutely share, to ensure children’s safety. Safeguarding children and tackling county lines is a priority for the Government. In August, I announced that we intended to contract a new service to tackle a range of threats involving child exploitation, including county lines, gangs, modern slavery, child sexual exploitation and child trafficking. The service will operate from April 2019, with funding of up to £2 million.

Through the recently published serious violence strategy, we have provided £3.6 million for the establishment of the new national county lines co-ordination centre, to enhance the intelligence picture and support cross-border efforts to tackle county lines. In Kent specifically, £300,000 was awarded for a support services pilot, run by the St Giles Trust, for exploited young victims caught up in county lines drug running between London and Kent. The pilot offered one-to-one support to exploited victims caught up in county lines, as well as specialist return-home interviews with those returning from exploitation.

**Gordon Henderson:** I welcome that initiative—it is very good—but the problem with it is that it only relates to people who are known to be in that category, and ignores the hidden youngsters who never reach that stage.

**Nadhim Zahawi:** I agree with my hon. Friend: it is not a panacea. It does not solve the whole problem, but I wanted to reassure him that we are taking the issue very seriously. I fully appreciate that placing a child far away from home can break family ties and make it difficult for social workers and other services to provide the support that young person needs. However, some children may need to be placed further from home—so that they can access specialist provision, for example. We are clear that out-of-area placements should be made when it is the right thing to do for that child, not because there is no alternative. I think that is the point that my hon. Friend is making in his very good speech.

**Gordon Henderson:** If it is the case that there are children who should be placed further from home, why is there a protocol that says local authorities should not be sending them further than 20 miles away?
Nadhim Zahawi: As I say, my hon. Friend raises an important point. I hope that when he has heard the rest of my speech, he will at least recognise that this Minister recognises the issue, and that the Government are beginning to tackle it. However, what I can provide him with is a long-term strategy, rather than short-term fixes.

It is our duty to ensure that looked-after children have the best possible care and education placements, and that the decisions made on those topics are not taken in isolation from each other. As of March this year, 19% of looked-after children were placed more than 20 miles from their home. We recognise that this is often a result of insufficient capacity in the home area—especially in London—rather than underlying care need or poor practice, which is another point that my hon. Friend the Member for Sittingbourne and Sheppey has made. My hon. Friend has also explained some of the issues that local authorities in Hampshire and Buckinghamshire are having, which we know have a direct impact on other areas, including his own constituency and Kent overall.

Some local areas can host significant and disproportionate numbers of children who are looked after by other local authorities. As of 31 March this year, 45% of the children placed within Kent’s boundaries were the responsibility of an external—meaning another—local authority, a figure that is slightly higher than the national average of 40%. However, the overall number of children placed in Kent who are the responsibility of an external local authority has remained stable since 2013, despite the overall increase in the number of children in care over that same period. That supports the sector’s claim that it is doing everything possible to avoid such placements unless there is no alternative.

Gordon Henderson: That does not explain why the number of out-of-area looked-after children in my constituency and neighbouring constituencies increased by 30% over the past year. That simply does not equate with what the Minister is saying.

Nadhim Zahawi: The overall number in Kent has remained relatively flat since 2013. I suspect that particular wards or parts of Kent are taking a greater number of looked-after children, hence the rise in the number of those children in my hon. Friend’s constituency and neighbouring constituencies.

Gordon Henderson: I accept that: that is the point that I am making. Those children are being placed by other authorities way outside their areas, not for the children’s benefit, but to save money by getting the cheapest possible foster care. That is immoral.

Nadhim Zahawi: I take on board my hon. Friend’s concern; earlier this year, I identified fostering as a concern; earlier this year, I committed to providing seed funding to fostering partnerships, which will increase the sufficiency of foster parents and improve commissioning, so that we do not end up in the sorry situation that he articulated.

I will touch on educational placements and support for schools. Schools play a vital role in supporting looked-after children: children in care often tell us that school is the only stable thing in their life, and the evidence supports that. The greater the stability and permanence that we can deliver for those kids, both in care and in educational placements, the better their educational outcomes will be. That is why our guidance is clear that not only should care placements ideally be in, or near, the home area, but that everything should be done to minimise disruption to education and, where appropriate, maintain the child’s current school placements when considering care options. Far too often we hear of delays in securing school places for children when, for whatever reason, a change is needed. Children being placed out of their own area in-year are most subject to delays, which is unacceptable.

Gordon Henderson: Once again, I agree with the Minister. However, he has re-emphasised the problem: secondary schools in my constituency are already overflowing. There are not enough places for all the home-grown children, so we have a problem when out-of-county looked-after children are moved into our area. There are no places, but because I have some excellent headteachers in my constituency who refuse to turn those children away, they are put at a disadvantage.

Nadhim Zahawi: I commend and thank those excellent headteachers, who go above and beyond. From the evidence I have seen, they do a fantastic job. Sometimes—dare I say it?—they are victims of their own success, because they do such a great job with these most vulnerable children. Schools can draw on the expertise and resources of the local authority virtual school heads, including, of course, the pupil premium plus funding of £2,300 per looked-after child.

However, we need to ensure that schools receive all the information and support they need to both understand and meet the needs of children who are placed with them. We have heard that such information and support can be lacking, or too late in coming, when children are placed out of area. As my hon. Friend the Member for Sittingbourne and Sheppey has articulated, that adds to the pressure felt by teachers and school heads, and risks placing schools in an extremely difficult position. At worst, it sets up the child and their placement to fail, which none of us wants to happen. We recognise the challenges of school admissions for looked-after children. I want to work with the sector to ensure that provision of information and support happens in a timely manner, and that school placement is given proper consideration during the care planning process, rather than being an afterthought once care planning has taken place.
Mental Health and Wellbeing in Schools

2.30 pm

Layla Moran (Oxford West and Abingdon) (LD): I beg to move,

That this House has considered mental health and wellbeing in schools.

It is a pleasure to serve under your chairmanship, Mr Stringer. I am delighted to have secured today’s debate on mental health and wellbeing in schools. I am sure that many hon. Members will know that I am a former teacher. My interest in this subject comes from the link between mental health and wellbeing and learning. I will come later to all sorts of issues surrounding children’s mental health and the lack of services out there, but I hope that today’s debate will focus on how this issue affects children, and indeed teachers, in schools.

Schools are not just places where we help students and children to learn resilience and the skills that they need to build themselves up so that they become adults who can cope with all sorts of pressures that are thrown at them; schools themselves can influence the mental health of children. Some of the debate so far has focused too much on the outside influences on children coming into school. Today I will focus on aspects of the current schooling system that exacerbate that problem.

Let us look at the scale of the issue. The National Society for the Prevention of Cruelty to Children says that the number of schools seeking help from mental health services is up by more than a third in the last three years. The number of referrals to NHS child and adolescent mental health services by schools seeking professional help for a student was 34,757 in 2017-18. That is the equivalent of 183 every school day. To say that this is anything other than a crisis would be wrong.

We are facing a crisis of mental health issues in our schools.

The National Education Union further found that 49% of education staff said that secondary school pupils had been suicidal as a result of the stress that they were under, and more than half of professionals surveyed said that funding for support for pupils’ mental health in schools was inadequate.

Stephanie Peacock (Barnsley East) (Lab): I congratulate the hon. Lady on securing this important debate. In my constituency of Barnsley East the local clinical commissioning group has been working with schools to try to embed support in a project called “MindSpace”. Does she agree that projects such as MindSpace that get trained counsellors into school, to be there every day, need more funding?

Layla Moran: I thank the hon. Lady for her contribution. Funding is part of it, but a number of interventions are taking place in schools, and they have to be critically evaluated. We have to look at the evidence to see whether they work. To my knowledge, only one—the Bounce Forward intervention programme—has been shown to have had a positive impact. I am not saying that the intervention that she mentioned does not, but we need to be careful that what we are doing in schools works. It is incumbent on the Government to ensure that that critical evaluation happens.
Mr Jim Cunningham (Coventry South) (Lab): I congratulate the hon. Lady on securing this timely debate. Just before the 2010 general election, I introduced a Bill, which I discussed with the then education Ministers, that provided for somebody with medical knowledge, for want of a better term, to be available who would be able to spot mental illness, or other illnesses. In a way, that would have helped teachers as much as parents to do what would probably be called early intervention. Unfortunately, a general election came along, and the rest is history. Had that Bill passed, it could have been a great starting point.

Layla Moran: I thank the hon. Gentleman for his intervention. He makes an important point, and I will get to what the Government are suggesting in a moment. I also add a note of caution: I do not think that we should over-medicalise being an adolescent. There is a grave difference between that and ensuring that there are proper services for those on the acute end of the spectrum.

Coming back to funding cuts, one of the best bits of being a teacher in my day was having time to get to know the students, and develop a level of trust with them, very often after a class was finished, or during an after-school club. Those are the kinds of things that are going. There is pressure on teachers, with cuts to the number of teaching assistants and a narrowing of the curriculum. Teachers have to teach more lessons and do more prep, meaning that they have less and less time for that critical pastoral support. What are the Government doing to measure how pastoral support in schools—the time that teachers have to spend with students—is changing?

It would be remiss in a debate such as today’s not to talk about teachers. Mental health in schools is not confined to the children; there is a crisis among teachers as well. A report by the charity Education Support Partnership, including a survey of 1,250 education professionals, showed that a huge majority—75%—of the UK’s education professionals had suffered from either mental or physical health issues in the last two years due to work. Some 50% of those who took part in the study said that they had experienced depression, anxiety or panic attacks due to work, and the charity has warned that unless urgent action is taken over rising mental health problems, there will be a severe retention and recruitment crisis. We already know that that is one of the issues that our schools are facing, and it exacerbates all the issues that I was describing regarding pastoral care.

The impact of Ofsted on the mental health of teaching professionals also needs addressing. The way in which Ofsted operates under its current inspection framework drives the wrong kinds of behaviour in schools. I believe, and the Liberal Democrats have now made this party policy, that the brand of Ofsted is so broken in the teaching profession that it needs scrapping and replacing with another inspectorate that does that job. Critically, the job of school improvement must be separated.

I sit on the Public Accounts Committee, and in a recent hearing we heard how school improvement is being lost amid academies’ governance structures and the lack of services provided at local authority level. Representatives from the Department for Education could not definitely say that it was their job, and neither
results, ahead of the rest of the education...schools must work to make sure that pupils leave school with the qualifications and examination results that set them up for future success...However; our research has found evidence that an overly data-driven accountability system is narrowing what pupils are able to study and learn.”

My worry is that rather than encouraging children to flourish at every turn in their lives—which can often be one step forward and two steps back; that is how life works—we have a curriculum that encourages multiple levels of failure. It starts with baseline testing as soon as children get into schools, moves on to SATs and continues with exam after exam. Every young person whom I have asked about high-stakes testing tells me that it has got worse and worse.

I was an experienced teacher before I came into Parliament, but I am still one of the youngest MPs. We have to remember that the school system that we MPs went through is not the same as the system that students are going through now. There is much more high-stakes testing in the curriculum now, and we have to stop it, so the Liberal Democrats have committed to getting rid of testing in the curriculum now, and we have to stop it, so we can collect it in other ways. For the record, as a physics teacher I loved exams—they were great—but we can work on other things. We can work on how we do things. For the record, as a physics teacher I loved exams—they were great—but we can collect it in other ways.

I completely agree. In fact, I would argue that if mental health is the Cinderella service in the NHS, children’s mental health is the Cinderella of the Cinderella service. That is brought into stark relief by child and adolescent mental health services across the country, although I will focus on Oxfordshire. My postbag is full of letters from parents who are desperate to get their children to CAMHS for all sorts of reasons. We have to remember that CAMHS is there for the most acute mental health needs; it does not cover the mild to moderate needs that so desperately need solving in school at an early, preventive stage. In Oxfordshire, children can wait for a referral for up to two years; extraordinarily, they are then often pushed back. The Education Policy Institute reports that the number of referrals to specialist children’s mental health services has increased by 26% over the past five years, although the school population has increased by 3%. Something is clearly going on, whether it is lack of early intervention in schools or increased pressure.

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Andrea Jenkyns: Does the hon. Lady agree that mental health should be treated in schools with the same importance as physical health and that it should be central to the Government’s health agenda? I agree with what she says about nurses; we need to ensure that that is central to future policy.

Layla Moran: I completely agree. In fact, I would argue that if mental health is the Cinderella service in the NHS, children’s mental health is the Cinderella of the Cinderella service. That is brought into stark relief by child and adolescent mental health services across the country, although I will focus on Oxfordshire. My postbag is full of letters from parents who are desperate to get their children to CAMHS for all sorts of reasons. We have to remember that CAMHS is there for the most acute mental health needs; it does not cover the mild to moderate needs that so desperately need solving in school at an early, preventive stage. In Oxfordshire, children can wait for a referral for up to two years; extraordinarily, they are then often pushed back. The Education Policy Institute reports that the number of referrals to specialist children’s mental health services has increased by 26% over the past five years, although the school population has increased by 3%. Something is clearly going on, whether it is lack of early intervention in schools or increased pressure.

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Stephanie Peacock: Does the hon. Lady agree that it is quite concerning that people need to be in absolute crisis even to get a referral? Often young people need to be suicidal before they can get a referral. That is absolutely shocking. Surely earlier intervention would be much better.

Layla Moran: I completely agree. It is especially shocking with respect to issues such as depression and eating disorders. Parents seek referrals, but when—after a waiting time of six months at the very least—they see a professional, they are told, “I’m sorry, but your daughter’s not sick enough.” They despair, because they do not know what to do any more. We need a much more joined-up service. A lot of these things are picked up in schools, so schools have a part to play.

There is a lack of resources for CAMHS across the country, and unfortunately the new commissioning service is not going to solve it. The funding problem for mental health services shows that we do not have parity of esteem between mental health and physical services; I know that the Government want it, but they cannot pretend that it has happened. If they say that children’s mental health is a priority within that, I ask people to look at the evidence given to the Public Accounts Committee’s inquiry into children’s mental health services...
and see for themselves that that is absolutely not the case. The Government know that there is not enough money for CAMHS.

The EPI study further points out that as many as a quarter of local authorities have phased out vital support services around schools, including school-based mental health services, family counselling and support for those living with domestic abuse. The median waiting time for treatment is 60 days, but I am well aware of many constituents who have had to wait as long as two years. That is extraordinary.

Last but not least, I want to discuss the impact of cuts, particularly on local government and on the support available in the wider community. As we know, schools never exist in a vacuum. As today’s Ofsted annual report points out, schools cannot fix everything, but for a lot of children they are often where the buck stops. Cuts elsewhere in the system, particularly in local government, have a massive impact.

I have secured quite a number of debates in Westminster Hall, but of all of them, this debate attracted the most responses when I tweeted about it. I would like to share one with hon. Members. From Vanessa Whitcombe, headteacher at Castle Manor Academy:

“Just emailing following your Facebook post regarding tomorrow’s debate. We are trying so hard to prioritise mental health and wellbeing in schools, applying for grants, paying for school nurse service as ours has been withdrawn, participating in Anna Freud school mental health award, peer mentoring programmes, reducing workload for teachers and putting in wellbeing support, and we are really proud of the small steps we are taking forward. But they are small, as they are against a backdrop of dwindling external services and decreasing budgets. External service provision and early help is only available at such a high threshold we feel like we are firefighting, and it is the most vulnerable children and families that are not accessing what they need. Amanda Spielman spoke wisely of the need for schools to be able to stick to their core business, and in our school we try to make sure that classroom teachers are able to do that as much as possible, but the mounting investment that is needed to be put in to safeguarding, emotional support, educating parents, feeding students is not going to go away without more provision outside school.”

We have seen that for ourselves in Oxfordshire. Every single one of the children’s centres in my constituency was closed by the Conservative county council, and the more than 40 across Oxfordshire have fallen to just eight. We were able to help families in children’s centres, at an early stage, before there were problems. I have not even started to go on about youth services and youth provision and the issues there. All the wraparound services for young people have gone from the local community, and that leads to all sorts of issues. It is not just about social media—in fact, there is some evidence to show that a little bit of social media for teenagers is a good thing, although a lot is very definitely a bad thing. The debate often focuses too much on that point and less on the much more intractable issues that surround the child.

In conclusion, I believe that this is an issue of deep concern. Even on a day such as today, when the shenanigans of Parliament might make us forget that there are big issues in the country, this is one of the biggest issues we have, and I am concerned that the Government response is simply a sticking plaster. What they are not doing is looking at the core issues that are driving the problem. Unless they do that, they are always going to be playing catch-up. I am not convinced that the laudable aims in the White Paper are actually deliverable. We need to change the culture in schools. We need to stop the pressures on young people. I am grateful in advance for the contributions from other Members, because I am sure that I have missed many of those issues out of my speech.

It is time for change. I am so proud that my party has managed to take a massive step forward in our conference debates. The issue I had in my early years of teaching was under a Labour Government. That has happened again and has got much worse under a Conservative Government. I am not blaming anyone; we have reinforced bad practice across the political spectrum. It is time that we made it stop. This is our next generation and there is nothing more important than that.

2.52 pm

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): It is a pleasure to serve under your chairmanship, Mr Stringer. I commend the hon. Member for Oxford West and Abingdon (Layla Moran) for bringing the debate to Westminster Hall today, when there are many other pressing demands on our time, because this is an important matter. She rightly highlighted a number of the challenges facing young people in our schools. I draw attention to my declaration in the Register of Members’ Financial Interests; I am a doctor practising in mental health services and a member of the Royal College of Psychiatrists.

We need to analyse first why the problem is happening. Is it down to the increased challenges facing young people—the stresses and strains of exams and the need to perform in tests at schools, as the hon. Member for Oxford West and Abingdon outlined, and general increasing distress among young people—or is it also due to increasing awareness and recognition of mental ill health among young people, and the fact that more young people are therefore prepared to come forward because there is generally a greater recognition of their needs? Perhaps it is a combination of the two. We do not fully know or understand the reasons for greater pressures presenting in services, but they are happening. It is right that the Government are beginning to turn their mind to the issue and have put forward a number of initiatives.

I entirely agree with the hon. Member for Oxford West and Abingdon that, in addressing young people’s mental health, it is important that we do not over-medicalise issues such as teenage angst or normal patterns of growing up. It is important that we do not follow the American system, where—in my view and, I am sure, that of many psychiatrists in this country—a lot of young people are on medication without there necessarily being a good evidence base for that. We have to be very careful about over-medicalising problems, or medicalising problems too quickly, which is perhaps how we should look at it.

The Government are making strides in this area. They are rolling out training for every school and college to ensure that a designated mental health lead will be in place by 2025 and that there will be greater mental health awareness training for teaching staff. There has also been a lot of talk by some, including the Secretary of State for Health and Social Care, about the dangers of social media and its potential impact on young people’s mental health. However, as the hon. Member for Oxford West and Abingdon outlined, eye-catching announcements will do little to deliver the
meaningful expansion and improvements in care that young people need and deserve. Although such announcements may make good media headlines, I am afraid the lack of provision on the ground for young people is the real problem. I know that it will be one that the Minister will want to work with colleagues in the Department of Health and Social Care to address.

I want to look at some areas of challenge. The coalition Government had a commendable focus on improving special educational needs provision. We know that a lot of children with special educational needs may also suffer from poor mental health. There is a correlation between some conditions that are associated with special educational needs and psychosis or other mental illness. However, far too often the joint care plans that should exist between the NHS and schools take a long time to come to fruition. Schools are far too often frustrated by the identification of a problem that they have recognised for which the NHS does not have the resources available to support the school in meeting the needs of the child in the way that was envisaged when those joint care plans were legislated for in this House. That speaks very much to the issue of lack of workforce, which the hon. Member for Oxford West and Abingdon outlined in her remarks.

Dr David Drew (Stroud) (Lab/Co-op): That is no more evident than with the huge problem of eating disorders, where all the medical evidence shows that what is needed is early intervention. The NHS has got to get much more involved with schools on that. Does the hon. Gentleman agree?

Dr Poulter: Certainly, eating disorders are an area of great challenge. One of the difficulties is that very often young people present in great distress after their illness has taken hold for quite some time, and the prognosis can be less good in those situations. A lot of young people may have to travel many miles or even out of area to get the specialist care they need, and that does need to be addressed as a matter of urgency. I know that my right hon. Friend the Minister will be raising such issues with his counterparts in the Department of Health and Social Care, because a number of the answers to the challenges raised in this debate have greater priority, and there is greater understanding of what the challenges are in that Department rather than in his.

Layla Moran: Does the hon. Gentleman agree that it is not just about talking; it is active co-ordination between the two Departments that will solve this? If they end up working in silos, as we know Government Departments often do, none of this is going to work.

Dr Poulter: I completely agree, but it is also about breaking down the silos on the ground. It is all very well Government Departments coming together to work together and the silos being broken down—that did help between the Department of Health and the Department for Education on special educational needs under the coalition Government, but in reality the levers or mechanisms do not exist on the ground to deliver meaningful change for young people in the timely manner that was envisaged by the legislation passed in this House. We must make sure that whatever legislation is passed and whatever co-operation there is at Whitehall level translates into the right levers on the ground to deliver the coordinated and joined-up approach to more integrated care for young people, need, across health, education, social services and other statutory services as may be required.

On the broader issue of child and adolescent mental health, a key challenge is the lack of workforce to deliver the care needed for young people. We know that the number of full-time mental health nurses has fallen by more than 6,000 between 2010 and March 2018, with a reduction of 1,832 learning disability nurses alone during that period. The number of CAMHS and learning disability consultant psychiatrists has slightly declined over the past decade. Many parts of the country, particularly outside London, are struggling to fill higher registrar training posts in CAMHS and learning disability psychiatry. That is a real problem, because without the workforce to deliver care we will not have the bodies on the ground to make a difference for young people.

Perhaps more concerning is the fact that the recent rhetoric on child and adolescent mental health still bears little resemblance to the reality facing many children and their families. Given the shrinking CAMHS and learning disability workforce, it is difficult to see how current levels of care can be maintained, let alone how the step change in mental healthcare provision for young people, which the hon. Member for Oxford West and Abingdon and I—and everybody taking part in this debate—would like to see, can take place.

The focus on healthcare apps and the talk of fines for social media companies are no substitute for having enough trained professionals on the ground to deliver frontline care to young people and their families. The NHS is far too often viewed through the prism of A&E. As a result, acute hospitals often receive a disproportionate level of funding compared with primary care and community services. In child and adolescent mental health services, as in other parts of the NHS, community services are often understaffed and poorly resourced. In fact, we are hearing about reductions in staff levels and not about the increase that the Government talk about as being desirable. My message to the Minister today is that we need more staff in child and adolescent mental health services, whether they are working in schools or in the community. Without those staff, all the media announcements and well-wishing announcements to improve in this area will come largely to nothing, and young people will still be struggling.

On the issue of fragmented commissioning, which the hon. Member for Oxford West and Abingdon raised, we see silos not just in Whitehall but on the ground. CAMHS, social services and education providers do not always work in a joined-up way. Although there can be some good initiatives at local level, and there are examples of good, co-operative working, there is nothing to compel the providers of different services to work in a joined-up way for the benefit of young people. Unless we get the commissioning of services right in providing better mental healthcare for young people, and actually compel joint working rather than just encourage it, we will not make a meaningful difference.

I know that the Minister will want to pick up some of these issues with his colleagues in the Department of Health and Social Care. Unless we have a joined-up approach that we can compel at local level, all the
announcements on improvements in tackling young people's mental health will come to very little. We will still be having these debates in this place in 10 years' time—those young people will have lost 10 years of their life and will still be struggling.

I know that the Minister has a great commitment to all he has done on schools and in education. He has been a very good Minister, and I hope that he will redouble his efforts to get joined-up working and collaboration with the Department of Health and Social Care in addressing some of these problems.

3.4 pm

Rachel Maskell (York Central) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Stringer. I want to focus on my constituency in particular, and I will certainly echo comments made by hon. Members today. I thank the hon. Member for Oxford West and Abingdon (Layla Moran) for securing today’s debate.

We have some real challenges in York. The severity of the challenges facing young people is the one thing that keeps me awake at night. There have certainly been challenges with funding and staffing, which I will refer to. We have a service that is seriously overstretched. We had 1,930 referrals to CAMHS in the past year, and we are seeing some of the challenges increasing in York. Young people in the city are very vulnerable, and research is being undertaken to ascertain what challenges they face—I am sure that the Minister will tell us about the results—but what is the school system doing to our young people?

One issue that has been raised is the narrowing of the curriculum. The perfectionism that is expected of our young people—and the exam methodology itself—is putting incredible strain on them. That has been seen particularly in our schools, but also in York College, where there has been a 23% increase in the number of young people with mental health challenges in the past year. At Askham Bryan College there has been a massive increase in the number of young people experiencing mental health challenges.

This challenge is very real. Much can be put back into the methodology that is used in the education system, which is why it is really important that in today’s debate we look at how that discussion can move forward. Transition points for young people between primary and secondary school, and between school and further or higher education, are places of vulnerability in our system. We need to ensure that we do not make just the educational connections; the health connections for those young people are essential for driving that forward and supporting them. We also need to address bullying in our school environments. Some 30% of children in York have experienced bullying in the past year, which is serious indeed.

I have read through the Vale of York clinical commissioning group’s “Transformation Plan for Children and Young People’s Emotional and Mental Health 2015-2020”, which has been revised due to the scale of the challenge in York to start to address some of the issues. Across the whole of York we have only six wellbeing members of staff in our schools. They might not be professionally trained in mental health, but they have had training in those roles—four are funded by the CCG and two by the schools—to address some of the low-level areas of mental health that children face. They have had more than 300 consultations with children over the past year and have made 36 referrals to CAMHS. As we have heard already, the threshold for accessing CAMHS is extraordinarily high. If a child has an eating disorder—sadly, York is one of the worst areas in the country for eating disorder services—they are often told that their BMI is too high for them to be able to access those services. We need to ensure that we make early interventions so that children do not become so poorly. Sadly, should they be refused at that point, then we have problems.

This service has been evaluated, and it is helping. Staff across our schools have gone through some training, which has helped them to deal with children who face mental health challenges, but there is so much more to do. Essentially, we need to look at health professionals being in place in our schools; we should not be relying more and more on our teaching staff to try to address many of these issues. Something that really disturbs me is the level of high risk that children have—it is generated particularly from trauma in their life—and the lack of wrap-around care and support services.

I was in a school on Friday, where I talked to the chief executive of York’s mental health services. I also had discussions with parents in my surgery about the level of self-harm that children are experiencing—including repeated suicide attempts in some cases—not having support workers, and the interventions around them being processed in a system, as opposed to putting the child at the heart of the equation. We need to change the system so that education and health services wrap around the child, as opposed to the child being in a process of services. That can be demonstrated where children have been discharged from acute care. They might not be poor enough to be in acute care, but they have got real challenges that they try to deal with and they cannot see a way forward. The system as it works at the moment does not address that.

I want to mention the funding issue. York’s schools, as I have mentioned many times, are the worst funded in the country. That has an impact because schools cannot supply the additional support services required, as demonstrated by a school I visited on Friday. It therefore has an impact on the children’s wellbeing. We have to address the issue of school funding. Likewise, our health authority is one of the worst funded. The money that was given to the CCG to address mental health issues in our city has been used to clear the deficit. As a result, money is being pulled away from the partnerships that are so essential for addressing the wellbeing agenda. Money therefore matters in this equation. The Minister will need to answer my question one of these days about the challenges we face. Clearly the funding formulas are not working. They cut across multi-agencies and the demographics of our city. We are therefore being failed.

I want to mention briefly the national shortage of staffing. Although we can recruit for the medium and longer term, we must look at what we do in the short term. We need to look at overseas recruitment to try to fill some of the skills gaps with immediacy, because it takes time to address such issues. We also need to make sure that we have the right facilities in place. School is one location to have good mental health facilities for young people. Off the school campus is also important. We need to see that moving forward.
[Rachael Maskell]

Our Labour group will propose a motion to our council next week highlighting the real challenges facing local authorities and the local area around mental health in our schools. Despite the number of debates that they and we have had, it seems that we go round and round in circles. In conclusion, would the Minister be willing to have a meeting with the mental health Minister and the Members who have participated in this debate to discuss the serious issues in our constituencies and to see whether we can find some real solutions between us?

3.12 pm

Jim Shannon (Strangford) (DUP): I am conscious of the time, Mr Stringer, so I will make sure colleagues have the same amount of time to speak as I have. First, I thank the hon. Member for Oxford West and Abingdon (Layla Moran) for securing this debate. I spoke to her earlier today and decided to come and make a contribution from the Northern Ireland perspective.

School can either be the best or the worst days of your life—that’s a fact. I attended a boarding school for five years or so. Although I enjoyed it, I can remember having things thrown at me when, as a Christian, I prayed at the side of my bed. I remember such things very well. I was—and still am, or I probably would not survive in politics—of a disposition where I can let things slide off my skin, just as those items that used to be thrown at me bounced off. However, I am also aware, as both an elected representative and a father, that that is a particular gift, and that even the strongest person can be wounded by the words of a peer. I have three children and two grandchildren, so I am aware of the issues.

More than 1 million of our young people admit to being affected by bullying. We can be sure that for every person who speaks out, another is suffering in silence. I read an article in the Belfast Telegraph that outlined the latest figures from Childline. They revealed that the NSPCC supported service delivered 4,636 counselling sessions for loneliness in 2017-18—a 14% increase on the previous year. Of that total, 105 counselling sessions were carried out with children from Northern Ireland, up from 71 in the previous year. Across the UK, girls received almost 80% of sessions, with some pointing to the harmful effects of social media. Among the reasons they cited for their being made to feel increasingly isolated was watching people that they thought were friends socialise without them. Children are sensitive.

Our children are struggling in a world that is increasingly “nothing hidden and all show”. Although social media can be wonderful to connect people and perhaps spread positivity, I agree with Prince William and the Duchess of Cambridge in their campaign to address cyber-bullying. In June, Prince William launched the online “Stop, Speak, Support” code of conduct in a bid to tackle the problem. He spoke of the social media giants being “on the back foot” when it comes to tackling fake news, privacy and cyber-bullying. He said that technology firms “still have a great deal to learn” about their responsibilities, and he challenged them to fight harder against the poison that is spread online. I agree very much with what he said.

Increasingly, teachers report that much of the bullying now takes place outside the playground, in what should be the safety of one’s own home. However, that does not take away from the responsibility to promote good mental health and make help available in schools.

I spoke in the main Chamber last Thursday—the Minister was there to answer the debate—about the financial difficulties that schools are facing and the cuts that have been made, as a result of which all teachers are under more time pressure. It also means less time to build up relationships with students and to supervise their interactions. We are seeing the rise of pastoral teams from churches in some schools, which is a good thing as it emphasises to children that there is someone there for them to talk to. Sometimes they need someone to listen and possibly help.

The End Bullying Now campaign, run by the Northern Ireland Anti-Bullying Forum, has said there is a basic level of good practice that all schools must achieve. There are strategies that empower young people, parents, carers and practitioners to know what bullying is, what to do and how to stop it. There are strategies that demonstrate a reduction in incidents of bullying; strategies that demonstrate good intervention if and when bullying behaviours occur; a whole-school consultation, including school staff, parents, carers and pupils in the development of an anti-bullying practice—everyone has to be involved in it—and strategies that include integrating an anti-bullying ethos into relevant areas of the curriculum.

It is my belief that schools are attempting to play their part, but I must come back to the budget cuts that see a reduction in teaching staff, classroom assistants and all those in the frontline defence who are in the right place to tackle bullying.

Kids are under more pressure than ever to have the right look inside and outside of school: to have the top clothes, the latest tech and the perfectly angled selfie—a perfect face of make-up and a perfectly ripped body. The weight of those expectations is too heavy for any child to bear and we must have support in schools to address that. My belief is that it must come by means of additional funding and assistance for key support staff on site in school.

The stories of children who have taken their own lives before they have begun are heartbreaking. Every one of us, as elected representatives in close contact with their community, will be aware of such cases. I am aware of some cases. I declare an interest as a member of the board of governors at Glastray College, where there were children that I knew personally who took their life. Indeed, because of my age I knew them from the day they were born—that is a fact of life—and in those circumstances the reality hits home.

To a generation increasingly asked, “Are you fit enough—rich enough—pretty enough—bright enough—social enough?”, there must be people to say, “You are loved as you are. You have the opportunity to write a new chapter and change your ending tomorrow.” There is an onus on us, with the Minister here, to put that in place. Will we do it?

3.17 pm

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): It is a pleasure to serve under your chairmanship this afternoon, Mr Stringer. I congratulate the hon. Member
for Oxford West and Abingdon (Layla Moran) on securing this vital debate. The speed at which Members are speaking this afternoon and the interest shows that we could have spoken for at least three hours and still had more time and more interest. If it was not for what was going on in the other Chamber, even more colleagues would be here with us this afternoon.

There is much that I could reflect upon, but I particularly want to reflect on the Government’s Green Paper—their strategy, and their actual plan for young people’s mental health between now and 2030. The Green Paper was called “Transforming children and young people’s mental health provision.” That is the key intervention in which the Government set out their plans. It is important that we consider it in the context of this afternoon’s debate.

I agree with the hon. Member for Oxford West and Abingdon when she says that—let us not mince our words—we see a mental health crisis in our young people. I do not use those words lightly. We have only to reflect on the prevalence study that came out the other week, a repetition of the study—last year, when she said that. I urge Members, but particularly the Minister, to reconsider their Green Paper, which was predicated on data that is now 14 years old. We now have the results that give us a reason to see the Government come forward with revised plans. Unfortunately, I do not believe that it is good enough.

I am a member of the Health and Social Care Committee; together with the Education Committee we produced a report on the Green Paper. We heard from expert witnesses, students in schools, and teachers. Many points reflected on the Government’s plans and set out what was missing, and what needs to be addressed to make a real difference. There are many points that I could reflect on, but I want to focus my remarks on the most salient points. I urge Members, but particularly the Minister, to reflect on the joint Select Committee report, because it contains many recommendations. It is fair to say that we were disappointed by the Government’s response, which did not adequately respond to serious concerns raised by many people throughout the country.

When I reflect on the experience of young people in my constituency, I am aware that a previously exemplary service in which young people were seen within three weeks—from referral to assessment and then treatment—now has hundreds waiting 24 weeks just for an assessment. That is not good enough. A special educational needs teacher, who wrote to me previously, came to my constituency surgery on Friday and said that the threshold to get access to services is now even further out of reach, even for children under 11. There are children aged four who cannot get access to any services. That is not peculiar to Liverpool; it is replicated across the country. We had a 43% cut to our service, and not in just one year—it was repeated in the second year; that was the main service for young people. Thresholds for access to care are rising, and I reiterate the point that children have had to self-harm or attempt suicide to get in. That is not good enough.

Colleagues have touched on the issue of resources. It is not just about money, but let us be honest: some resources are needed to ensure that children are properly supported. Schools are an important place. I want to reiterate what I said when I asked the Minister a question in the Select Committee. It is an important point, and gets to the crux of the matter. My greatest concern about the Green Paper and the Government’s plans for now until 2030 is that they will only replace what has already been lost, because the Government have no idea—no assessment has been done—how many peer mentors, counsellors, educational psychologists, pastoral care workers and school nurses have been lost from the country’s schools. Those are just some of the roles—vital services—that schools that are passionate about students’ mental health no longer have the funds to invest in. Schools in my constituency had access to a service called Seedlings. It was pulled from all those schools. The only ones that could afford it were those that met a threshold of a certain number of children on free school meals, in relation to pupil premium. Those just below the threshold could no longer afford it.

Those cuts have combined with other cuts, not just in schools but in local authorities. They affect children’s centres, the educational psychologists previously funded by local authorities. Sure Start centres and youth centres—because it is not only what happens in school that is relevant, but what happens afterwards. Many young people would turn to youth workers as a trusted adult if their mental health was suffering. The combination of all those things is the toxic situation we are in. Young people are now seen only when they are in a crisis; the system is geared only to what we do then. We need proper early intervention and prevention, to keep young people well. Schools cannot be expected to do it all.

From the teachers’ representations that we heard in evidence, it was clear that they want to do everything possible to support students in the classroom, but many demands are made on them and the current academic system adds many pressures, not only for students but for teachers. A staggering 81% of teachers say that they have considered leaving teaching in the past year because of the pressures of their workload. The combination of those factors means that there is every reason to think it is not good enough to expect every school to have just one designated mental health lead—one teacher who is trained for two days—when the Government accept, in their own evaluation, that that arrangement has an opportunity cost, in taking those teachers away from other activities that they are expected to do in school.

The social media issue is something that the Government definitely need to address, but even if we removed all the challenges of social media we would not solve the problem because, judging by the evidence that we heard, there are so many other challenges, but particularly issues to do with the social determinants of health and poverty.

I shall draw my remarks to a close because other Members want to speak. We cannot expect our schools to do it all. Young people are really suffering; this is a crisis, with a 28% increase in the figures, even going by those that came out the other week. I urgently request that the Government look again at the Green Paper strategy, because it is simply not good enough.
3.24 pm

**Tim Farron** (Westmorland and Lonsdale) (LD): It is a pleasure to serve under your chairmanship, Mr Stringer. I congratulate my hon. Friend the Member for Oxford West and Abingdon (Layla Moran) on securing this vital debate.

Early intervention and preventive work on mental health are massively important and schools play a colossal part in it. Fifty per cent. of mental health problems in adult life take root before the age of 14; 10% of schoolchildren today have a diagnosable mental illness, which means that in an average class of 30 young people three will be living with a mental health condition. That is three children in every class. Stress about exams, fear of failure, concern about body image, bullying, and the crushing weight of the aspirations and expectations of materialism have a huge impact on people’s mental health. Unchecked, those concerns can spiral into acute long-term mental illnesses that will lead to serious problems all the way through adulthood.

The Prime Minister characterised the colossal failure to treat mental health conditions as a “burning injustice”, but that is an injustice that the Government have failed to fight in practice. There are few things more frustrating than a Government who speak the right political language in a debate but fail to deliver. Investment in preventive measures and early intervention has only got worse in recent years. Councils’ public health budgets, which include funding for school nurses and tier 1 mental health services, have been reduced by £600 million between 2015 and the present. In my constituency central Government cuts to the public health budget mean that the NHS in Cumbria currently spends only £75,000 a year on tier 1 mental health preventive care. That is just 75p per child per year. In 2015 the coalition Government agreed to allocate Cumbria £25 million a year in public health money. Now it gets only £18 million a year. That is a £7 million cut—a huge proportion. It is not just unacceptable; it is an insult. As a direct result, we no longer have any school nurses directly attached to schools anywhere in the county.

Alongside the situation I have described, there are additional pressures. Many young people with special and additional needs are at greater risk of acquiring mental health difficulties. We have a special educational needs funding system that punishes schools that take children with additional needs and rewards those that do not fulfil their responsibility, so the system compounds the difficulties. Like the rest of the hon. Members present, I get letters in my postbag about many issues of great emotional significance. They weigh heavily on all MPs as we seek to help people out of difficult situations. However, nothing keeps me awake at night like the plight of young people with mental health conditions. I have noticed in recent years that the volume of my case load taken up by that issue has rocketed. We are clearly a society that breeds poor mental health.

I am proud of the young people in Cumbria with whom I have worked and who are determined to fight for better mental health provision for themselves and their friends. In my constituency, for example, CAMHS was not available at the weekend or after school hours in south Cumbria until our community ran a campaign and forced local health bosses to change that. What an outrage that we had to fight for those changes. Alongside a focus on the provision of timely, top-quality treatment, there needs to be a focus on preventive care. That is why 2,500 mostly young people in my constituency signed the petition that I shall soon present to the House, calling for a mental health worker to be allocated to every school in Cumbria, so that we can manage to prevent problems before they arise and get out of control.

Perhaps the biggest single issue affecting young people’s mental health is eating disorders. In South Lakeland, three quarters of children reporting with an eating disorder are not seen within the target time of a month. Not a single one of those children presenting with an urgent need is seen within the target time of one week. The most appalling aspect of the situation is not just those statistics but the fact that the number of children they represent is 15 in a year. That is utter nonsense. I deal with at least one new eating disorder case among young people every single week in my constituency. Children are clearly slipping through the loopholes and are not being pushed into the system. As the hon. Member for York Central (Rachael Maskell) said, they are told that they have to come back when they are more sick as they have not yet lost sufficient weight to enter the system. That is an outrage. In 2016, the Government promised Cumbria a specialist one-to-one eating disorder service, and it has failed to materialise. Wonderful people work in CAMHS, but they do not have the support that they desperately need. As others have said, young people’s mental health is the crisis of our age. It needs more than platitudes; it needs real action, and it needs it now.

3.30 pm

**Marion Fellows** (Motherwell and Wishaw) (SNP): It is a pleasure to serve under your chairmanship, Mr Stringer. I congratulate the hon. Member for Oxford West and Abingdon (Layla Moran) on securing this very important debate. I will not run through all hon. Members’ contributions because we are running very short of time, but I have a few words to say. The hon. Lady’s knowledge and breadth of experience shone through her contribution, and her clinical dissection of the high stakes in the school system was informative and chilling.

As a member of the Education Committee, I am aware that the UK Government are not responsible for education matters in Scotland, Wales or Northern Ireland, but that does not mean that I or anybody else in the House have no desire to improve the mental health and wellbeing of children right across the UK. Schools are on the frontline of supporting children and young people’s mental wellbeing. We can shift the focus on to preventing mental health problems and building resilience through simple methods. In one of my granddaughter’s schools, children are being taught to think not, “I can’t do this,” but, “I cannot do this yet.” That is a huge step forward. It was never done in schools in my and my children’s time.

Increasing the availability of learning tools and experiences in health and wellbeing ensures that children and young develop knowledge about mental health and understand the skills, capabilities and attributes that they need for mental, emotional, social and physical wellbeing now and in the future. The Scottish Government’s mental health strategy focuses on early intervention and prevention, which feeds into this issue.
Over the course of their education, children spend more than 7,800 hours in school. Emotional wellbeing is a clear indicator of academic achievement, success and satisfaction in later life. Combining mental health awareness and coping mechanisms is critical for prolonged resilience. The Scottish Government have spent quite a bit of money recently. I spoke to Clare Haughey MSP, the Minister for Mental Health, who had recently taken on the recommendations of the “Children and young people’s mental health audit” report, which was produced by the Auditor General and given to the Public Audit Committee on 22 September.

It is important that we do not just throw money at these problems. There has to be a change in attitude. Money helps by making counselling available. In Scotland, our hope is that £20 million will provide 250 additional school nurses, and that £60 million will provide 350 counsellors. There will be other counsellors in further and higher education.

In Scotland, we are also doing mental health first aid programmes for teachers so that the early signs of mental health problems are spotted and children can be moved forward into services. In the package of money given by the Scottish Government, there is also provision for community support. The Scottish Government have set up a Mental Health Youth Commission, which is working with the Scottish Association for Mental Health and Young Scot to put young people’s issues front and centre. The Scottish National party Government are committed to meeting their commitments to ensure all children are given the tools they need to achieve a happy and prosperous life.

The UK has signed up to the UN convention on the rights of the child, but has stopped short of making it part of its legislation. That has been done in Wales, and the First Minister of Scotland is committed to making it part of domestic law in Scotland. Article 19 of the UNCRC says:

“State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence”.

The First Minister’s commitment will better enable positive mental health and wellbeing practice in Scottish schools.

Will the updated guidance, which is intended to come into force in September 2020, apply in academies and free schools, as well as local authority-maintained schools? It is my understanding that those types of school do not have to follow national school curriculums.

The Minister for School Standards (Nick Gibb): We have changed the basic curriculum, rather than the national curriculum, to ensure that it applies to academies as well as local authority-maintained schools.

Marion Fellows: I am very grateful to the Minister for that response.

It is necessary that children across the UK are able to access timely and helpful support when they need it.

3.36 pm

Mrs Emma Lewell-Buck (South Shields) (Lab): It is a pleasure to serve under your chairmanship, Mr Stringer. I thank the hon. Member for Oxford West and Abingdon (Layla Moran) for securing this important debate on mental health and wellbeing in schools, and other hon. Members who have made valuable contributions.

Despite all the warm rhetoric about this issue, the reality is that, when it comes to real action and real change to children and young people’s mental health, the Government are failing children and setting them up for future struggles. Schools are integral to the mental wellbeing of children and young people. They are where a lot of children spend a large majority of their time. For children for whom home is not a good place to be, or is a cause of distress, it can be the only safe, consistent element of their lives.

Last December’s Green Paper, “Transforming children and young people’s mental health provision”, seemed to signal, at last, a joined-up approach and a commitment between the Department of Health and Social Care and the Department for Education to address the crisis in children and young people’s mental health. As the report of the Education and Health Committees said, the Government’s strategy lacks ambition. The Committees said that it was narrow in scope and would put significant pressure on the teaching workforce. The report was entitled “Failing a generation”.

Sadly, just weeks ago, the NHS “Mental Health of Children and Young People in England” survey, referred to by my hon. Friend the Member for Liverpool, Wavertree (Luciana Berger), who has long been a champion of improving mental health provision across the board, confirmed the failing of that generation. It found that one in eight five to 19-year-olds had at least one mental health disorder. That means that, in an average classroom, almost four pupils will be suffering. The Royal College of Psychiatrists estimates that that equates to about 1.25 million children and young people. The survey also found that 400,000 children and young people identified as being in need of support were not getting any whatever.

The proposed mental health support teams for schools have been heavily criticised, including by Barnardos, which accused the Government of “sleep-walking into the deepening crisis in children’s mental health.”

As they stand, the plans are piecemeal and will serve only to deepen the existing postcode lottery. It is anticipated that just 20% to 25% will benefit from the support by 2022-23. I would appreciate it if the Minister explained to us how recruitment for the teams is going, what the arrangements for the designated mental health leads in schools are, where the first set of trailblazers are, and what the rationale was for choosing those trailblazer areas.

Furthermore, the teams will be for mild to moderate mental health issues. What happens to children who desperately need intervention from child and adolescent mental health services and specialist trauma-based support, such as the children my hon. Friend the Member for York Central (Rachael Maskell) referred to who are suffering from eating disorders and suicidal thoughts?

What about children looked after in kinship care, care leavers and child refugees? The Children’s Commissioner noted that only 104,000 of more than 338,000 children referred to CAMHS in 2017 received treatment in that year. That should come as no surprise to the Minister, when we know that the number of doctors working in child and adolescent psychiatry has fallen in every single month this year; that less than 1% of the NHS budget is spent on children’s mental health; and that CAMHS funding was cut in each of the four years following 2010.
Underfunding and the stripping back of provision in the name of austerity have led to a crisis in our schools, where £2.7 billion of budget cuts, an overriding focus on competition instead of collaboration, and fragmentation and marketisation of education, have left gaping holes in accountability, provision and support. In that environment, it is little wonder that children are not getting the support that they need.

The situation is far worse than that because, as we have already heard, on schools, the Government are acting in a manner that exacerbates poor mental health in children and young people. The Minister has said on the record:

“we do not want children to be under pressure with exams”,

and stated that nothing that his Department has done makes things worse. Yet children are being placed under unbearable pressure because of the high-stakes exam culture fostered by the Government, resulting in feelings of chronic low self-esteem and stress.

In a study commissioned by YoungMinds earlier this year, 82% of teachers said that the focus on exams had become disproportionate to the overall wellbeing of their students. Similar concerns have been raised by the Education Committee, while some headteachers said that their students had attempted suicide over exam pressures. Now that we have evidence, what will the Minister do to change that approach?

For children with special educational needs and disabilities, those feelings of low self-esteem are amplified. I know from my own experience of having dyspraxia that I suffered from low self-esteem and confidence and, as a result, I would often isolate myself. I cannot imagine how much more difficult it must be for the thousands of children with special educational needs who are missing out on support.

Today, the chief inspector of schools revealed the national scandal of 4,000 children with official education, health and care plans receiving literally no support at all. She also raised serious concerns about the children missing from the education system altogether. The Government have created an environment in which, to improve exam results and league table ratings, off-rolling and illegal exclusions are used at whim to such a degree that today, the chief inspector’s report identified a possibly 10,000 children who cannot be accounted for. As the Education Committee’s report noted:

“young people excluded from school or in alternative provision are...more likely to have a social, emotional and mental health need”.

Can the Minister explain what provision—beyond the review of alternative provision that is progress—is being made for those missing children, and when that review will be concluded?

Children now grapple with a range of issues that we in this Chamber did not face at their age, in particular the all-pervasive nature of social media, where bullying, abuse and grooming are no longer confined to the physical space. Some young people cannot escape and spend their lessons rocking back and forth in an attempt to self-soothe; and children who had fled warzones, who were stoic and motionless in the playground and completely unable to interact with their peers.

As we discuss these matters, teachers, wider school staff, social workers, mental health workers, parents and carers will all be trying their absolute best for those children in the face of the worst cocktail of cuts—coupled with regressive policies—from the Government, right across the board. Those people, and the children and young people that they are fighting for, need to know what the Minister will do to halt that crisis now. I hope that he will not disappoint us all in his response.

Graham Stringer (in the Chair): Although we are a little ahead of schedule, before I call the Minister, I ask him to leave a minute or two at the end for the hon. Member for Oxford West and Abingdon (Layla Moran) to sum up.

3.45 pm

The Minister for School Standards (Nick Gibb): Certainly, and thank you, Mr Stringer; it is a pleasure to serve under your chairmanship. I congratulate the hon. Member for Oxford West and Abingdon (Layla Moran) on securing the debate and introducing it so well.

Mental health can have a profound impact on the whole of a child’s life; it is not just about the effect that poor mental health can have on their attainment at school. We worry about the whole life ahead of them. Improving mental health starts with promoting good mental wellbeing and ensuring that children and young people have the help and support that they need. Schools can play an important role with the right support from specialist services, which is why the Government have made mental health a priority, with a shared approach between the Department for Education and the Department of Health and Social Care.

The hon. Members for Oxford West and Abingdon and for South Shields (Mrs Lewell-Buck) mentioned exam stress in schools. Tests and exams have always been times of heightened emotions for pupils and teachers, but they are not meant to cause stress and anxiety. As the hon. Member for South Shields acknowledged, I have said on many occasions that schools should encourage all pupils to work hard and achieve well, but that should not come at the expense of their wellbeing. Schools should provide continuous and appropriate support as part of a whole school approach to supporting the wellbeing and resilience of pupils.

The hon. Member for Oxford West and Abingdon also mentioned GCSEs. We have reformed GCSEs to match the expected standards in countries with high-performing education systems, so that young people have the knowledge that they need to prepare them for future success and the skills that Britain needs to be fit
for the future. We are determined to ensure that no child has an inadequate education that reduces their life chances; we want to ensure that every child has an education that helps them to fulfil their potential. That is the key driver of all of our education reforms since 2010. Better education means better prospects of quality employment and better health outcomes for those young people in the long run.

As a psychiatrist, my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter) brings serious expertise to the debate. He said that it was important that Departments did not work in silos. I can assure him that I worked very closely with the Under-Secretary of State for Health and Social Care, the hon. Member for Thurrock (Jackie Doyle-Price), in whose portfolio mental health resides. We worked particularly closely on producing the Green Paper on children and young people’s mental health.

We know that mental health is also a priority for teachers, because of the challenges that many children face in the modern world; a fact that has been referred to by other hon. Members. To get an up-to-date picture of children’s mental health, this Government commissioned the first national survey of children and young people’s mental health since 2004, which was cited by the hon. Member for Westmorland and Lonsdale (Tim Farron). The results published last month show that in 2017, 11.2% of children and young people aged five to 15 in England had a diagnosable mental health disorder. That figure stood at 10.1% in 2004, so the latest results show that there has been a slight increase since then. They reinforce what we have heard from schools and colleges about how many children face issues and about the need to act. We have listened to what schools have told us and are already taking steps to help schools to support children and young people with mental health problems. The findings of the survey will help us to ensure that the action that we take is informed by the most up-to-date evidence.

I understand the important points made by my hon. Friend the Member for Central Suffolk and North Ipswich about the number of staff in children and young people’s mental health services. The Government are already taking significant steps to improve specialist children and young people’s mental health services with £1.4 billion of funding to ensure that an extra 70,000 children a year receive the support that they need by 2020-21.

We recognise, however, that we need to do more, which is why the NHS will invest at least £2 billion a year more in mental health, including children’s services, under the recently announced Budget proposals, increasing NHS funding by an astonishing £20.5 billion a year in real terms by 2023-24. As I said, from that the NHS will allocate £2 billion a year to mental health services. The Budget also included a commitment to set up specialist NHS crisis teams for children and younger people in every part of the country.

**Dr Poulter:** The extra money is of course welcome, but the focus on crisis intervention is perhaps wrong. We should try to stop children getting to that point in the first place, and invest more in early intervention and community teams. In order to do that, we need to reverse the decline in the mental health workforce. I wonder whether that is an issue the Minister will raise in particular, challenging his counterpart in the Department of Health and Social Care on how to improve recruitment and retention of CAMHS professionals.

**Nick Gibb:** My hon. Friend makes a crucial point, which I will come to when I talk about the mental health Green Paper. It is absolutely crucial that we are able to devote resources and expertise to intervening early, before a child’s mental health problem escalates into something requiring medical intervention.

**Luciana Berger:** Will the Minister give way?

**Nick Gibb:** I will, but this will be the last intervention, I am afraid.

**Luciana Berger:** What percentage of that £2 billion extra for mental health services will go to young people’s mental health services? To what extent will it replace—I asked this question before—services that have already been lost, not just from the NHS but from right across education in schools throughout the country?

**Nick Gibb:** I have already mentioned that £1.4 billion will be put into young people’s mental health services. I do not have the precise figure that the hon. Lady asks for, but I am happy to write to her with it. I suspect that it will not have been determined precisely at this point, but our plan is to increase that spending, and we can only get to that through careful marshalling of our economy, because our economy of course produces the wealth that enables us to provide such a level of funding.

In the debate, there was a reference to eating disorders. The Government are on track to meet, or are exceeding, waiting-time standards for eating disorder services and early intervention in psychosis.

**Dr Drew:** Will the Minister give way?

**Nick Gibb:** I will not give way now, because we only have a few minutes left. I have already given way a number of times.

Schools have an important role to play in supporting the mental health and wellbeing of their pupils by putting in place whole-school approaches tailored to the particular needs of those pupils. Our 2017 survey, “Supporting Mental Health in Schools and Colleges”, was commissioned to derive robust national estimates on activities to promote and support mental health and wellbeing. It found that about half of schools and colleges already had a dedicated lead for mental health in place, that 61% of schools offered counselling and that 90% of schools and colleges offered staff training on supporting pupils’ mental health and wellbeing.

The Government are committed to supporting schools and colleges to do more to promote good mental wellbeing in children, to provide a supportive environment for those experiencing problems and to secure access to more specialist help for those who need it. To support schools to build the capability to identify and promote awareness of mental health needs, we have committed to introduce mental health first aid and awareness training for teachers in every primary and secondary school by the end of the Parliament. To date, we have trained more than 1,300 staff in more than 1,000 schools.
relationship and sex education in all secondary schools—

We have recently published updated guidance to help schools to identify pupils whose mental health problems manifest themselves in their behaviour, and to understand when and how to put in place support.

The hon. Member for South Shields raised the issue of PSHE. As part of an integrated, whole-school approach to the teaching and promotion of health and wellbeing, we are making health education compulsory for pupils to the teaching and promotion of health and wellbeing, alongside relationship and sex education in all secondary schools—

Mrs Lewell-Buck: When?

Nick Gibb: All pupils will be taught about mental health, covering content such as understanding emotions, identifying when someone is experiencing signs of poor mental health, simple self-care, and how and when to seek support.

The hon. Lady asked when health education would be made compulsory. We have already published draft guidance and consulted on it—the consultation closed on 7 November. It was well received, and 11,000 pieces of evidence were supplied to it. We will respond in due course. Our plan is to roll out the subject as compulsory in the academic year beginning in 2020. We hope for and expect early adopters from September 2019, but it will be compulsory a year later. We want to ensure that all schools have a proper lead team so that they can implement the policy as well as they can.

On the mental health Green Paper, while schools have an important role to play, teachers are not mental health professionals and they should not be expected to act as such. When more serious problems occur, schools should expect pupils and their family to be able to access support from specialist children and young people’s mental health services, voluntary organisations and local GPs. The £1.4 billion that we have already made available will play a significant role, but we want to do more and to provide a new service to link schools to mental health professionals and they should not be expected to have an important role to play, teachers are not mental health professionals and they should not be expected to

Mrs Lewell-Buck: Will the Minister give way?

Nick Gibb: I will not give way, I am sorry, but I want to leave time for the hon. Member for Oxford West and Abingdon to respond to the debate.

We also want to ensure that we have a designated senior lead for mental health in every school to oversee the delivery of whole-school approaches to promoting better mental health and wellbeing. The Department will provide up to £95 million to cover the cost of significant training for senior mental health leads. It is an ambitious programme, and I am optimistic that it will help to deal with a number of mental health problems that are emerging among young people in today’s society.

Good mental health remains a priority for the Government. It can have a profound impact on the whole of a child’s life, not just on attainment. We want all our children to fulfil their potential, and we want to tackle the injustice of mental health problems so that future generations can develop into confident adults equipped to go as far as their talents will take them.

On 7 November it was well received, and 11,000 pieces of evidence were supplied to it. We will respond in due course. Our plan is to roll out the subject as compulsory in the academic year beginning in 2020. We hope for and expect early adopters from September 2019, but it will be compulsory a year later. We want to ensure that all schools have a proper lead team so that they can implement the policy as well as they can.

To enable that, our Green Paper set out proposals to support local areas to adopt an ambitious new collaborative approach. The cornerstone will be new mental health support teams to improve collaboration between schools and specialist services. We expect a workforce numbering in the thousands to be recruited over the next five years to form such teams. They will be trained to offer evidence-based interventions for those with mild to moderate mental health needs. The teams will be linked to groups of schools and colleges, and the staff will be supervised by clinicians. They will work closely with other professionals such as educational psychologists, school nurses, counsellors and social workers to assess and refer children for other specialist treatments, if necessary.

Motion lapsed (Standing Order No. 10(6)).
Animal Rescue Centres

[MR PHILIP HOLLOBONE IN THE CHAIR]

4 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): I beg to move,

That this House has considered animal rescue centres.

It is a pleasure to serve under your chairmanship, Mr Hollobone. Having lost two thirds of my first minute, I am pleased that my speech will go on for only 12 minutes, so I should be able to accommodate one or two colleagues who have indicated that they might wish to intervene. I am grateful for the opportunity to raise this issue. I thank the Royal Society for the Prevention of Cruelty to Animals, Dogs Trust, Battersea Dogs & Cats Home and Blue Cross for their briefings, and Richard Mitchell in my office for pulling them all together. I am pleased to see the Minister in his place.

This is a relatively simple issue: animal cruelty is wrong, we recognise that in our laws, and there are penalties for those who break those laws. But there is an ongoing debate in Government about whether those laws need strengthening. There seems to be a consensus across most animal welfare organisations, which have long campaigned for increased sentences for animal cruelty and are working to change legislation, to increase the maximum sentence from six months to five years’ imprisonment. Some 250,000 pets who have been badly treated, abused or abandoned enter their centres every year, yet the custodial penalty of six months on conviction is the lowest custodial penalty in 100 jurisdictions across four continents.

Sir Greg Knight (East Yorkshire) (Con): Does the hon. Gentleman accept that the consensus on the need for change reaches this side of the House too? Does he agree that there is a good case for setting up an animal abuse register, so that those who abuse animals can be tracked down and prevented from keeping animals in future?

Jim Fitzpatrick: I very much take the right hon. Gentleman’s point that this is not a party political issue. Indeed, most of my comments do not attack the Government but commend them for the comments and proposals they have made. However, we need to move on. He makes an interesting suggestion, and perhaps the Minister will respond to it.

Animal cruelty offenders are five times more likely to have a violent crime record. Welfare organisations were pleased when the Government issued the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill in December 2018. Those organisations have long argued that several of the activities covered by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were in serious need of review.

Jo Platt (Leigh) (Lab/Co-op): I am sure that my hon. Friend shares my concern that there is no statutory regulation of animal rescue centres in the UK. Since local authorities do not collect that information, I submitted a freedom of information request to every local authority in England and found that only 18% of rescue homes are regulated, through their membership of the Association of Dogs and Cats Homes. Does he agree that is extremely concerning, and does he welcome the efforts of the RSPCA, Dogs Trust and others to implement statutory regulations?

Jim Fitzpatrick: My hon. Friend has been assiduous on this issue. I will move on to the ADCH later on and will recognise the work of the RSPCA and others.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on bringing forward a good issue for us to debate in Westminster Hall, as he always does. I told him earlier that my wife is a volunteer at Assisi Animal Sanctuary. There are many organisations across the United Kingdom of Great Britain and Northern Ireland that do exceptional work and are regularly monitored. Assisi is one of those, as is the RSPCA, PAWS and Dogs Trust—there are some good examples. Does he think that the Government should perhaps look at the good examples when bringing together the legislation?

Jim Fitzpatrick: I congratulate the hon. Gentleman’s wife on her work. I mentioned four of the main organisations, but there are many across the country working in this field and I pay tribute to them all; they do fantastic work and we appreciate it.

The 2018 regulations refresh the licensing regime for: selling animals as pets; dog breeding; boarding kennels; boarding for cats; home boarding for dogs; day care for dogs—regulated for the first time—hiring horses; and keeping animals for exhibition.

Chris Evans (Islwyn) (Lab/Co-op): Next week I will visit Battersea Dogs & Cats Home, as I do nearly every Christmas, to look at the fantastic work it does. Does my hon. Friend agree that there should be an onus on breeders? When dogs have breeding problems, often the rescue centres or the adopting families have to sort them out. Once the breeders have sold the dogs, the unscrupulous ones will forget about that dog even if it has a breeding problem. Does my hon. Friend believe that breeders have a responsibility?

Jim Fitzpatrick: My hon. Friend makes a relevant and eloquent point. I can add to his criticism of unscrupulous breeders. That problem needs to be addressed.

The 2018 regulations do not address the regulation of rescue centres. The RSPCA has issued a position statement on licensing animal rescue and rehoming centres. It believes that the Government should introduce licensing of animal rescue and rehoming centres under the 2018 regulations. It feels that would close a legal loophole as well as drive up standards and allow for enforcement. Usefully, there are standards already in existence that would assist with licensing and reduce the burden on local authorities.

It is important to get the definition of an animal sanctuary or rescue or rehoming centre right, to ensure the correct establishments are captured by any new law. Blue Cross comments that there is a growing trend for the establishment of “rescue centres” to import dogs from abroad to sell on to members of the public—not genuine rescue centres as we would understand them.
of the cats and dogs in it and transported to it. However, membership of ADCH is voluntary, so rehoming organisations and animal sanctuaries are not required to adhere to the code of practice unless they choose to become a member and meet those requirements.

Although self-regulation is an important step in the right direction, formal regulation is required to ensure that all establishments, as opposed to just those that want to, meet suitable levels of animal welfare. One possibility is for ADCH members that apply and are audited against the ADCH standards to be defined as low risk in a licensing regime.

The RSPCA understands that discussions are under way in Scotland and Wales about improving standards in sanctuaries and in rescue and rehoming centres, and, in Scotland, about introducing a licensing system. In Wales, a definition of places called “animal welfare establishments” has been proposed for the Government to consider, based on discussions with the Department for Environment, Food and Rural Affairs.

The Dogs Trust has also weighed in. It points out that there is currently no legislation in place, so anyone can set themselves up as a rescue organisation or sanctuary. Furthermore, there is little proactively to safeguard the animals involved, as local authorities are not required to inspect these premises, so they do not do so. It adds that poor welfare can have a knock-on effect when an animal is rehomed.

Chris Elmore (Ogmore) (Lab): My hon. Friend is making an impassioned speech about why we need better regulation. The Hope sanctuary in Llanharan is in my constituency, where the local authority simply does not have the money or the capacity to check licences. That is part of a wider cuts agenda in local government. Does he agree that, in some cases, these services are there to try to support local government because it no longer has the capacity to protect animals?

Jim Fitzpatrick: My hon. Friend has much better knowledge of his local centre than I do, and the fact that he is concerned about it concerns me. I am glad that he called my speech impassioned—I am actually hastening to try to get through it, having taken a number of interventions. I hope to get to the end, and I hope the Minister understands that I may run over by a few minutes.

Dogs Trust calls on the Government to address the lack of regulation of the rehoming sector as a means of protecting our nation’s animals and creating transparency in the industry. It wants the Government to regulate all rehoming organisations and animal sanctuaries through a system of registration and licensing. It also recommends that the Government should develop an independent, centrally accessible team of appropriately trained inspectors that can be utilised by all local authorities to inspect animal establishments—not only rehoming centres and sanctuaries, but those involved in activities such as boarding, breeding and selling.

The Pet Advertising Advisory Group, which is chaired by Dogs Trust, also operates a system of self-regulation for online adverts offering pets for sale. Owing to its voluntary nature, PAAG has reached a plateau in the progress it can achieve, as some websites are unwilling to engage and apply the group’s minimum standards for online adverts. With no obligation on those who do not
want to engage to improve, self-regulation will always be limited to those who want to do more to protect animal welfare.

In late 2017, the Scottish Government consulted on introducing a registration and licensing system for animal sanctuaries and rehoming activities in Scotland, following the discovery of bad practice at Ayrshire Ark and the subsequent “Sort Our Shelters” campaign by The Scottish Sun. The Scottish Government published a summary of responses and are now drafting regulations. The RSPCA recently conducted multiple operations, which Dogs Trust supported to ensure that there was sufficient capacity to house all the animals seized. In 2013, six members of staff at Crunchy’s animal rescue centre in Oxfordshire were convicted of nearly 100 counts of animal cruelty.

Although the regulations do not cover rescue centres, the Government have committed to banning third-party sales of puppies and kittens under six months of age, with an exemption for rescue centres. It is essential that regulation of rescue centres is delivered hand in hand with that ban to prevent damaging unintended consequences, which may include such places being prevented from rehoming puppies and kittens legally and third-party dealers passing themselves off as rescue centres to circumvent the ban. I welcome the news that the Government are minded to make that change.

Currently, any person, organisation or animal welfare establishment that regularly receives vulnerable animals with a view to rehoming them, rehabilitating them or providing them with long-term care can do so across the UK without licensing or regulation. The only organisation that provides mentorship to smaller rescue centres and actively works to raise standards is ADCH, which is run by Battersea and has already been mentioned.

Another example of worst practice was highlighted at Capricorn Animal Rescue in Mold, north Wales. The Charity Commission had been investigating governance issues, but RSPCA Cymru had to step in first in following a request for support. In the past couple of years, Capricorn has been subject to protests and petitions by former members of staff at Crunchy’s animal rescue centre in Mold, north Wales. The Scottish Government published a summary of responses and are now drafting regulations. The RSPCA recently conducted multiple operations, which Dogs Trust supported to ensure that there was sufficient capacity to house all the animals seized. In 2013, six members of staff at Crunchy’s animal rescue centre in Oxfordshire were convicted of nearly 100 counts of animal cruelty.

...
We are absolutely committed to taking this legislation through, when parliamentary time allows. We have also been looking to raise our welfare standards even higher; in February, we published a consultation on a potential ban on third-party sales. Third-party sales of puppies are those that are not sold directly by breeders. Sales are often linked to so-called puppy farms, which many of us have real concerns about. We know that there are concerns that third-party sales of puppies and kittens can lead to poorer standards of welfare than when puppies and cats are purchased directly from a breeder. We have heard other reports about that during the debate. A ban would mean that puppies and kittens, younger than six months old, could only be sold by the breeder directly or adopted through rescue and rehoming centres.

Our recently published regulatory triage assessment—a mini impact assessment—on the impact of a proposed ban on third-party sales estimates that 5% of puppy sales are by third-party sellers, which amounts to 40,000 puppies per annum. The RSPCA estimates that some dealers were individually earning over £2 million annually from the trade, and in many cases those revenues were not declared to HMRC. Our view is that the demand for puppies can and should be met by changes to the practices of existing breeders in order to breed more puppies, and by selling directly to the consumer. That will further improve the welfare of puppies.

Some stakeholders raised concerns that any proposed ban could be circumvented by unscrupulous centres presenting themselves as a legitimate rescue or rehoming centre. That is why we have been looking at licensing rehoming centres, as the hon. Member for Poplar and Limehouse mentioned, as well as the hon. Member for Leigh (Jo Platt), who has worked hard on the issue. I will look at that more forensically in slower time, but I thank the hon. Member for raising that.

Sadly, there are some rescue homes that, for whatever reason, fall short of the acceptable standard of welfare. As with any keeper of animals, an animal rescue home must provide for the welfare needs of animals, as required by the Animal Welfare Act 2006, but they are not licensed in the same way as dog breeders or pet shops. In response to a call for evidence on a proposal to ban the commercial third-party sale of puppies and kittens in February, many stakeholders pointed out that we should also consider closer regulation of rescue homes. Their argument was that we need to address concerns about animal welfare standards in some unscrupulous rescue homes.

I was saying that it is argued that we need to address concerns about animal welfare standards in some unscrupulous rescue homes, and to do so partly to address concerns that third-party sellers would simply set up as rescues to avoid the proposed ban. I can assure the hon. Gentleman that the Government share the concerns completely. Therefore, as part of our consultation on a third-party sale ban, which we launched in August, we asked specifically whether the public thought that animal rescue and rehoming centres should be licensed.

The consultation closed in September and attracted nearly 7,000 responses. We are in the process of analysing the consultation responses and will publish a summary document shortly. I am sure that the hon. Gentleman will be interested to see that. To bring in licensing of animal rescue homes, we would need to be clear about the benefits and the potential impacts. About 150 rescue homes are members of the Association of Dogs and Cats Homes, to which he referred. As he set out in his well-informed speech, the ADCH has set standards for its members to ensure that good welfare standards are met.

One member of the ADCH is the RSPCA. That charity says that in the past eight years it has investigated some 11 individuals and obtained 80 convictions against five people involved in animal rescue; a further two people received a caution. Those cases involved a total of more than 150 animals of different species, including dogs, cats, horses, farm animals and birds. That is despite all the hard work and the ongoing assistance that the RSPCA is willing to give and provides to failing establishments to ensure that they meet the standards and the needs of the animals in their care.

Regulation could benefit the sector and, importantly, the welfare of the animals involved, but we must remember the work and contributions of smaller rescue centres, which we have referred to and which in the vast majority of cases do all they can to promote the welfare of animals in their care. Many are not members of the ADCH, and there may be hundreds out there. DEFRA is working with those organisations and other animal welfare groups to build a better understanding of what the issues are for smaller organisations. We want to work with them to ensure that the appropriate welfare standards are put in place so that those who are operating genuinely, with the best intentions, can do so. The ADCH standards are well regarded and we will further consider them as part of our further work. I am sure that the hon. Gentleman is concerned to hear about that as well.

I think that more needs to be done, following on from the Dogs Trust reception today, to tackle puppy smuggling. That, too, will help well-intentioned rehoming centres. It is becoming increasingly clear to me that much more targeted action is needed to tackle puppy smuggling from end to end—both supply and demand. We have zero tolerance for unscrupulous dealers and breeders abusing the pet travel scheme in order to traffic under-age puppies into the UK. Those puppies have to endure very long journeys and they are not effectively protected against very serious diseases, including rabies and tapeworm. That poses a risk not only to their health, but to the health of other animals and people in this country.
The puppies spend many of their early weeks of life living in completely unacceptable welfare and health conditions. We must stop that in its tracks. We will be working hard to do that. We shall also be taking forward campaigns that will focus on changing the opinion and behaviour of the public, so that they have a better understanding of what is required in order to purchase a puppy responsibly, and that will, at the same time, raise awareness of the scourge of puppy smuggling. Doing that will put greater focus on proper breeders and the valid work of rehoming centres.

The Government have made it clear that we take animal welfare very seriously. We have a clear and positive action plan and have followed that up with a series of announcements, including those about updating and improving the laws on the licensing of certain animal-related activities and about increasing the maximum penalties for animal cruelty. We have consulted on banning third-party sales of puppies and kittens and are looking very actively at licensing rehoming centres to ensure that all rescue homes meet the appropriate standards of animal welfare. Hon. Members can therefore be assured that the Government are not afraid to take action that is needed, and will go on doing so in support of Members across the House who want to see action taken.

I again thank the hon. Member for Poplar and Limehouse for his very thoughtful and considered contribution today.

Question put and agreed to.

Resolved.

That this House has considered animal rescue centres.

4.59 pm

Richard Drax (South Dorset) (Con): I beg to move, That this House has considered the financial implications for the next generation.

It is a pleasure to see you in the Chair, Mr Hollobone, and to give this speech. It is also a pleasure to see my friend and colleague the Minister in his place. I have huge respect for him and I know that he has gone to considerable length to help with this debate.

As the Member of Parliament for South Dorset, over the past eight and a half years I have had the great pleasure of getting to know many of my constituents. I have always undertaken to represent them without fear or favour, whatever their political beliefs, which is why I have called this debate to discuss the appraisal of our nation’s finances by Mervyn Stewkesbury. He is a well-respected and successful businessman from Weymouth, in my constituency. Mr Stewkesbury owns and runs his property company Betterment Homes and he is in the Public Gallery to listen to this debate.

From the very outset some years ago, Mr Stewkesbury has had an agenda. His concern, which he has expressed repeatedly to me, Ministers and various party leaders since 2010, is the economy. In particular, he believes that our national debt and deficit are too high. He has been an assiduous correspondent since my election in 2010, and indeed briefly ran against me in his genuine desire to make these facts known. His manifesto, as a matter of interest, was based entirely on his financial predicament. He had no other agenda, so keen was he to make his point. I am delighted to say that I won and he did not, despite a very honourable attempt to do so.

Put simply, Mr Stewkesbury believes that we are going to hell in a handbasket, and that he has the figures to prove it. He does not think that any of the responses he has received since 2010 have been adequate. I have therefore taken the opportunity to bring this matter before the Minister and my fellow MPs, in the hope that Mr Stewkesbury may receive a satisfactory answer. If that is not achieved, I hope that this debate will at least serve our country by airing a subject that should be aired repeatedly.

Of course we should live within our means, and Mr Stewkesbury has not alone in suffering sleepless nights over the size of our national debt. The most recent quarterly report from the Office for National Statistics confirms that our national debt at the end of March 2018 stood at around £1.8 trillion. This is equivalent to nearly 86% of our GDP, reaching the reference value of 60% set out in the Maastricht treaty excessive deficit procedure.

However, let me be clear that there is no solace here for the Opposition. It is worth noting that we first exceeded the 60% limit in March 2010, at the end of Labour’s 13-year rule, when debt was just shy of 70% of GDP. On the plus side, our deficit or net borrowing in the financial year to March 2018 has dropped by £5.9 billion for the second consecutive year, indicating that the tide has—we hope—begun to turn. Also, although the debt has increased by nearly £44 billion, as a percentage of GDP it has fallen by 0.9 percentage points, from 86.5%
to 85.6%. This fall in the ratio of debt to GDP implies that GDP is currently growing at a greater rate than Government debt—again, movement in the right direction. However, as I am sure you understand, Mr Hollobone, this remains a mighty tanker to turn.

A most informative letter from the former Economic Secretary to the Treasury, my right hon. Friend the Member for North East Cambridgeshire (Stephen Barclay), in August 2017 confirmed that when we inherited the largest budget deficit since the second world war in 2010, we were borrowing £1 in every £5 that we spent. Now we borrow £1 in every £16 we spend, as a result of reducing the deficit. The Minister also confirmed that over the same period debt rose as a share of GDP, although by less than it would have risen had the deficit not been reduced. In the same letter the Minister accepted that Mr Stewkesbury was correct in pointing out that the overall public sector net debt had risen. That, of course, is Mr Stewkesbury’s main concern, and one that we cannot afford to brush under the carpet.

I personally believe that, in view of the recent Budget spending increases, claims that austerity is over and the promise of billions more pounds for the NHS—which I do not think we have—it is time to bring this private citizen’s concerns into the public domain. I cannot vouch for all of Mr Stewkesbury’s points, nor his figures, but they form part of his profoundly and sincerely held belief that our country is heading to financial ruin. I am told that Mr Stewkesbury’s figures are all taken from Government and Treasury publications, which are publicly available.

I would like to point out that Mr Stewkesbury’s ire is not exclusively reserved for the current Government. His research dates back many years. His graph, interestingly, shows how national debt began to soar just as we joined the EU in 1973. He says that for 25 years before we joined the EU our debt increased on average by 1.4% year on year, but from the moment we joined, and for the next 45 years, it increased on average by 9% every year. He claims that had we not joined and maintained that 25-year borrowing record, our debt would now be £66 billion instead of £1.8 trillion.

As I have said, Labour receives equal scrutiny. Mr Stewkesbury was amazed to hear the shadow Chancellor (John McDonnell), tell the BBC on 18 March:

“Austerity is a political choice, not an economic necessity.”

Mr Stewkesbury asks:

“How can he possibly say this, when we are overspending and borrowing around £300 million every day?”

He is not enamoured with the economics of the Leader of the Opposition either, adding that his pledge to “spend our way out of debt” is nothing short of ridiculous.

As I have mentioned, when David Cameron’s Conservative Government were elected in 2010, the financial black hole in which we found ourselves was bequeathed to us by the departing Labour Government. Who can forget the note left by the departing Chief Secretary to the Treasury, the right hon. Member for Birmingham, Hodge Hill ( Liam Byrne), which read, “I’m afraid there’s no money left”? Perhaps it would have been funny, had it not been true. Certainly, that is Mr Stewkesbury’s view. He says that over the past seven years he has spent more than 5,000 hours studying Government finance and that we are “on course to bankruptcy”. He says that it is an indisputable fact that Government cannot go on overspending and borrowing forever without ending in bankruptcy, but that, according to him, is precisely what we are doing. In a letter to me earlier this year, he explained that it had taken 100 years to rack up a debt of nearly £450 billion by 2005, when the debt was £446 billion, and that is taking into account two world wars. Then, Mr Stewkesbury says, over the following years of Labour, coalition and Conservative rule that figure has more than quadrupled to £1.8 trillion. Sobering figures; sobering stuff.

Mr Stewkesbury adds that many of our assets, not least our gold—thanks to Labour—have been sold and an additional £735 billion has been printed. He claims that one asset sold, for £757 million, was the UK’s stake in the channel tunnel. He believes that allowed us to go for three days, five hours and 36 minutes without having to borrow any money. I would be grateful if the Minister could help on that point.

Mr Stewkesbury’s graphs show that in the seven years from 2010 our debt increased by £719 billion. He then explains the consequences. He says that in 2010 the debt for each living person was £16,231, with interest at £9 per person per week. By April 2017 those figures had risen to £26,526 and £14 respectively. He goes on to say:

“For 40 years our debt on average doubled every five years. Do the same again and by 2026 our debt will be more than £50,000 per person, with interest in the region of £30 per week per person. This is not sustainable.”

Neither is the fact, he says, that the Government, on average, overspent and borrowed £338 million every single day during 2016-17. Last year, he adds, the Government increased the debt by £123 billion. Government spending now equates to £231 per week for every living person, at a time when two in five work in the private sector, which, in the main, pays for our public services, including pensions, through tax.

Mr Stewkesbury believes that our children’s future is at risk, and he claims that party politics—of all parties—has played a significant role. For more than 40 years, he says, parties of all colours have attempted to buy voters with unaffordable promises. Here I will add my own two pennies’ worth. I absolutely agree that too often Governments of all colours have promised things that we simply cannot afford and have attempted to buy the voters. I hope that disingenuous habit will not continue in future. I most humbly suggest that what voters actually need is the truth, and if that is financially unpalatable, they need to hear it.

Last month, in his most recent communication with me, Mr Stewkesbury wrote that our debt interest payment alone is circa £50 billion. People outside this place, whether they are in the private or public sector, ask, “Richard, why aren’t you doing this? Why aren’t you doing that?”—always about money, of course—or say, “Spend this, spend that; do this, do that,” but when I tell them the rather sobering fact that before we do anything we have a massive debt interest to pay, a remarkable quiet comes over them when that sinks in. Before we progress anywhere, we have to pay £50 billion—every year. It is a terrifying sum of money, which we have to reduce. I hear cries of austerity, but I am not sure that austerity is working in that sense, because we still have a vast debt interest.
Mr Stewkesbury thinks it is totally irresponsible to claim that austerity is over when we are still borrowing £155 million every single day. Furthermore, he opines, it is irresponsible of the Government to claim that austerity is over until we are living within our means and repaying our debt. He is concerned that, according to Government figures, they expect to borrow a further £52 billion this year and £44.1 billion in 2019-20, so our debt will exceed £1.8 trillion by 2020. That equates to £28,371 for every living person.

Mr Stewkesbury has consistently sought clarification on one particular piece of historical accounting, but has never had a satisfactory answer. Labour’s actual debt in 2010 was reported as £759 billion. Later that figure was increased to just over £1 trillion. Mr Stewkesbury would be most grateful if the Minister could explain why those figures seem so different.

Finally, on Brexit—I thought I might get through one contribution without mentioning that word, but unfortunately Mr Stewkesbury has not allowed me to do that—he quotes an interview I gave, in which I said: “We want to be in control of our destiny and I am baffled by anyone who cannot understand why.” He, too, wants us to be in control of our destiny, but feels that that is impossible if we go on overspending and borrowing about £300 million every day.

Despite the many letters Mr Stewkesbury has received from the Treasury, he believes that the truth—or perhaps the facts—has yet to be explained to him. He dismisses the many letters he has received as pages and pages of waffle. He particularly resents being told that we are in a stronger financial position than in 2010, and believes that the figures prove otherwise. He says that one Minister wrote to say that Government debt is expressed as a share of GDP and that, in reducing the deficit, the Government have made significant progress in improving the health of the public finances. With the current debt at 85.6% of GDP compared with 69.6% in 2010, his concern is understandable. He and I very much look forward to hearing the Minister’s response, when he can reliably informed by WhatsApp that Divisions are imminent, the debate.

Mr Philip Hollobone (in the Chair): We will move straight on to the Front-Bench contributions. 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 can be flexible.

5.17 pm

David Linden (Glasgow East) (SNP): As always, it is a pleasure to see you in the Chair, Mr Hollobone. I am reliably informed by WhatsApp that Divisions are imminent, so although we have a degree of flexibility, I will try to be mindful of that. I warmly congratulate the hon. Member for South Dorset (Richard Drax) on securing the debate.

I sometimes come to these debates feeling a bit like William Hague. The Order Paper says that the debate is about the financial implications for the next generation, but I realise that I am probably the youngest Member in the Chamber at the moment. I do not want to sound like William Hague by saying, “It’s all right for you; you won’t be here in 40 years’ time,” but in reality, hon. Members will not.

It is somewhat remarkable that the hon. Member for South Dorset managed a good 15 minutes or so without touching on Brexit, because the reality is that Brexit is the biggest financial threat to the next generation. As I will touch on, it will cost each person £1,600 by 2030. I will also touch on what we are doing at home in Scotland to support first-time buyers, and on the recent Sustainable Growth Commission report.

Opportunities for young people, such as the freedom of movement and the ability to study abroad, will be severely limited as a result of Brexit. All those things are helpful in terms of social mobility and increasing people’s spending power. The Scottish Government’s analysis found that, by 2030, GDP would be £9 billion lower under a free trade agreement than if we had stayed in the EU. Of course, that decision was expressed by the people of Scotland, 62% of whom voted to remain in the EU. That £9 billion is the equivalent of £1,600 per person in Scotland. That is deeply disappointing, although we see that in the main Chamber the UK Government are still refusing to admit the true cost of Brexit, with the Treasury analysis not covering the Prime Minister’s deal; it covered no deal, the European Free Trade Association, the European economic area, the situation without a customs union, and Chequers. This is all quite important for the country’s direction of travel in terms of our finances and what we will leave to the next generation.

The Bank of England’s analysis suggests that the Prime Minister’s deal, which is clearly about as popular in this House as a cup of cold sick, will take between 1.25% and 3% from GDP by 2023, with a no-deal Brexit cutting between 7.75% and 10.5%. So the idea that we can have a debate about the financial threat to the next generation and ignore these figures really beggars belief.

I also want to touch on what we are doing in my own country to make sure that we have an economy for future generations. Some of it is about what we are doing to invest in housing. I remain incredibly concerned, almost as an observer down here, about the fact that the UK Government do not necessarily see the need to do anything to invest in housing. There are things that they are doing around stamp duty, but stamp duty limits for £500,000? I do not know a huge number of 27-year-olds who are able to go and lump down £50,000 for their first home. There is some good stuff being done in Scotland, which I commend to the Minister, about what we can do to invest in housing while also ensuring that young people can get on the property ladder.

Finally, I will touch on the issue of the growth commission, whose report was published by Andrew Wilson on behalf of the Scottish Government. That report looks at the finances of an independent Scotland, and what it is absolutely clear about is that an independent Scotland can leave behind the broken economic model of the UK and actually benefit future generations with inclusive, sustainable growth. I will finish with this point: if the approach to spending recommended by the commission had been applied by the Westminster Government over the past decade, the £2.6 billion in real-terms cuts to Scotland would have been completely wiped out.

So I commend the hon. Member for South Dorset for initiating this debate. It is very difficult to have a debate such as this one, about the next generation, when we are quite literally pulling the rug from under their feet by...
the retrograde step of leaving the European Union and denying them the right to love and live elsewhere, and the opportunity to get on in the world.

5.22 pm

Lyn Brown (West Ham) (Lab): It is an absolute pleasure, Mr Hollobone, to serve under your chairmanship.

I am very grateful indeed to the hon. Member for South Dorset (Richard Drax) for giving us the opportunity to discuss the very real financial implications for the next generation of this Government’s continuing austerity policies.

We have had eight years now of claims that we have to tighten our belts for the sake of the future. Where has it got us? We are simply storing up problems for the future by destroying the public services on which so many people depend. Last month, the United Nations sent its special rapporteur on poverty to the UK and one of the evidence sessions was held in my constituency. I was there, and I have to say that it was really hard to sit and listen to that evidence. We heard about mums whose young children were not learning to crawl because they were confined to a bed in a small, rat-infested room; the mums could not let the children on to the floor. We heard from parents who had to move their children many times in a single year, from hostel to hostel, preventing friendships and bonds from being created in any community, and forcing the children either to move schools, which would severely disrupt their education, or to face hours of travel every morning and afternoon to get to school and back.

We also heard from vulnerable mums who had survived violence inflicted by people they were living with; they were forced to stay where they and their children were, although they were at significant physical risk, because they simply had nowhere else to go. The services that they needed had simply been cut.

What kind of physical, emotional and developmental problems are we storing up for these children’s future? For me, it is obvious that this kind of poverty is an absolute calamity for their life chances. And it is not just me who is saying that; it is what the UN rapporteur concluded. He noted that 14 million people in the UK are living in poverty today, and that 1.5 million people in the UK are utterly destitute, unable to afford essentials such as shelter, food, heating or clothing. These essentials keep a body and mind healthy and productive, but 1.5 million people—including 365,000 children—do not have access to them.

As we all know, health is extremely important to life chances. The Food Foundation has shown that the poorest quarter of households in the UK would have to spend more than 25% of their disposable income to follow the Government’s “Eatwell” guidelines. That is a quarter of their disposable income going just on food, and more than half of the households that are deprived of food include children.

Let me tell a story from my constituency. I met a young girl at an event where food was provided. Her plate was piled high, and I looked at her and said, “Whoa! That’s an awful lot of food for a small person!” “Yes,” she beamed. “It’s not my turn to eat tonight.” She was young and she had adapted, so for her such circumstances were normal. How will she and all the others in the same desperate situation feel when they realise that it is not everybody’s “normal”?

Some families are struggling to eat, let alone eat healthily; the increasing reliance of so many families on food banks is clear evidence of this. The Trussell Trust has released figures showing substantial increases of take-up of food banks year on year on year, and it is predicting bumper usage this Christmas.

When families cannot afford to eat, it has an impact on their health. Poor physical health or poor nutrition in childhood impacts upon a child’s physical, mental and educational growth. As a basic, how can a child concentrate in school if they are hungry? How can they make the most of their education? How can they develop the skills that they need for a prosperous adulthood? And how can they provide the skills that we need for a prosperous economy?

A sickly or malnourished child takes health risks and medical risks into their adulthood, costing the NHS much more than if they had been given a decent start in life. Reducing support to children today is a false economy; the state of tomorrow will have added costs because of it. The title of this debate is absolutely right—the next generation faces a financial threat from today’s austerity policies. That is one of the reasons why Labour is committed to universal free school meals, so that no child goes hungry in term-time, and it is also why we are committed to a real living wage and a social security safety net that keeps families out of poverty.

Let us have a quick look at the Government’s investment in the future economy through schools, further education and adult education, to give the next generation the skills and opportunities that they will need for the future. Investment in further and adult education has been cut severely. Spending per student in FE colleges is 21% lower than in 2010; the number of adult learners has fallen by a million; and overall spending on skills for adults has been cut almost in half. Now, 60% of small and medium-sized enterprises say that poor skills are their biggest challenge, and eight in 10 FE college leaders say that funding cuts are preventing them from filling that skills gap.

So there is a skills crisis and it is already affecting productivity and growth, but in the October Budget the word “college” did not appear once. I say again—how can this Government claim to be investing in future generations when they refuse to invest in the skills that businesses are demanding?

5.28 pm

Sitting suspended for a Division in the House.

5.50 pm

On resuming—

Mr Philip Hollobone (in the Chair): The new finish time for the debate is 6.22 pm.

Lyn Brown: Let us face it: schools are faring badly. The Chancellor’s gift of £400 million in the Budget for some “little extras” was frankly insulting in the context of billions of pounds of cuts. If the Institute for Fiscal Studies is right, capital spending on schools has fallen by £3.5 billion—a 41% real-terms cut. I can see it in my
constituency every time I visit a school. They are struggling, and they are also struggling to keep their students safe from grooming and crime at a time when young people’s services are disappearing, again due to cuts. Violent crime is rising and destroying the futures of increasing numbers of young people in my constituency, but the Treasury’s only response is to announce £170 million for our neighbourhood police services. That sum would cover less than 40% of the police pensions black hole, so it is unlikely to stop the fall in the number of officers on our streets. Reports suggest that half of that £170 million will have to come from elsewhere in the massively overstretched Home Office budget, so what will be cut to make up for it? Will it be firefighters? Will it be Border Force?

The next generation will not thank us if we leave them more vulnerable to fire, crime and terrorism. The cuts to councils have ensured that children’s services are under threat. Sure Starts and libraries are closing. We are charging for sporting activities in communities that help keep children healthy. There is not enough money to employ the youth workers that we need to teach my children resilience against the groomers.

Since 2010, the Government have claimed that austerity is working to bring down the debt and make spending sustainable, but that is simply wrong. They have missed every deficit target they have set themselves. They said they would eliminate the deficit by 2015, but now the Office for Budget Responsibility says that even eliminating it by 2025 will be challenging with the current approach. To the extent that the central Government deficit has reduced, much of that has been done by passing debt and problems to the future, where they will require more spending to fix. The Government are passing problems into the lap of our underfunded schools, hospitals, local councils and police forces. That does not make the next generation more secure or our public debt more sustainable.

Future generations are not being protected by austerity; they are being harmed by it. We need public investment to repair the safety net, to improve the public services that underpin the life chances of the many and to drive growth that benefits the whole country. In fact, we need a Labour Government to rebuild Britain.

5.53 pm

The Economic Secretary to the Treasury (John Glen):

It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank my hon. Friend the Member for South Dorset (Richard Drax) and acknowledge the assiduous way in which he has communicated with the Treasury over recent years, sharing the correspondence of his constituent. I welcome this opportunity to address, in as detailed fashion as possible, the points he has raised in his eloquent speech. I pass on my sincere thanks to his constituent for raising his concerns with the Government. I respect those concerns, and it is rare and gratifying to have a member of the public who takes quite such an assiduous interest in the public finances as to spend 5,000 hours studying them. I also thank the hon. Members for West Ham (Lyn Brown) and for Glasgow East (David Linden) for their contributions to the wide-ranging discussion this afternoon.

The Government share the concerns expressed today about the level of debt and recognise the importance of reducing it so as not to pass on an unfair burden to the next generation. I am anxious to reassure the constituent of my hon. Friend the Member for South Dorset that the Government are taking this matter seriously and are committed to getting debt down.

It may be helpful if I start with a few points of clarification. My hon. Friend observed a number of statistics relating to general Government gross debt. The Government’s chosen metric for debt is public sector net debt, which is a more complete and transparent measure of debt, incorporating a wider range of public institutions than general Government gross debt. Looking at net debt rather than gross debt also provides a more accurate picture of the health of the public finances, as it nets off our liquid assets.

My hon. Friend also stated in his opening remarks that the Government had reduced the deficit so that we now borrow £1 in £16, compared with £1 in £5 in 2009-10. He may be pleased to know that the figure is actually better than that: the Government now borrow only £1 in every £20 we spend.

An important point has been raised about how we measure debt, which I would like to address. The observation is that debt has increased in cash terms since 1973 and that that relates to us joining the European Union. I reiterate that looking at debt as a percentage of our national income—that is, GDP—is a more helpful way of assessing the public finances as it recognises our ability to afford debt as a nation. Looking at debt as a percentage of GDP adjusts for inflation and our ability to service that debt. It also paints a different picture from the nominal figures and shows that our debt level fluctuated between 20% and 50% from 1973, before significantly increasing at the time of the financial crisis. The fall in debt that we are now seeing as a percentage of GDP, rather than in cash terms, is an important distinction as it recognises that GDP is growing faster than debt. As my hon. Friend says, that is a movement in the right direction.

My hon. Friend also observed that, although we have significantly reduced the deficit since 2010, debt rose as a share of GDP over the same period before it peaked in 2016-17. That increase in debt in cash terms and as a percentage of GDP is principally due to the high levels of borrowing that we inherited from the last Administration—a post-war high of 9.9% of GDP, to be exact—which added to our overall debt burden. That could not be fixed overnight. As it was, there was significant resistance to the measures we took to reduce that deficit in the early years in government. We have now reached a crucial turning point; and the deficit has been reduced by four-fifths, from 9.9% when we came in to 1.9% of GDP at the end of the last financial year in April.

Thanks to the work of the British people to reduce the deficit, debt peaked at 85.2% of GDP in 2016-17 and has now begun its first sustained fall in a generation. It will reach—or, it is anticipated to, given the inherent difficulties of forecast—74.1% of GDP in 2023-24. That progress means that we are in a much stronger position with the public finances than we were in 2010.

While it is correct that debt rose after 2010, without the Government successfully reducing the deficit to the extent we have, debt would have been even higher and would still be rising. As my hon. Friend observed, there is a keen contrast between the Government’s balanced...
approach to paying down the deficit and paying down debt and the Opposition’s proposals to spend £1,000 billion if they assume office.

My hon. Friend also mentioned debt figures in cash terms for 2010, which his constituent Mr Stewkesbury rightly points out have changed. That change is due to a large number of reclassifications, the largest of which was adopting the European system of accounts 2010, which increased debt by around £100 billion due to the inclusion of Network Rail’s debt and the asset purchase facility and the treatment of public sector bank shares as illiquid. Reclassifications are necessary in the course of following international standards, which are themselves in constant evaluation.

The Government’s commitment to responsible management of the public finances was shown this summer, as we published our response to the OBR’s fiscal risks report, providing a detail account of the actions that the Government are taking to address risks to fiscal sustainability. That report provides a mechanism for Parliament and the public to assess the Government’s strategies for managing the risks, and to hold us to account for their implementation.

The report’s publication reaffirms the UK’s place at the international frontier of fiscal transparency and accountability, and supports the Government’s long-term fiscal strategy. The report set out a range of reforms that we are pursuing to reduce risks to the fiscal outlook, including actions to reduce our inflation exposure and tighter controls over the issuance of Government loans and guarantees. Such reforms will enhance the UK’s resilience to future economic shocks and aid in helping to keep debt falling.

It is right that actions taken by the Government today do not unjustly impact the next generation. In 2010, the Government inherited a very difficult position in the public finances, with debt having nearly doubled in two years and the budget deficit at its largest since the second world war. We have made significant progress. The deficit has been reduced by four-fifths and debt has begun its first sustained fall in a generation. However, the Government recognise that the job is not yet done, and share the concerns raised today.

We must continue to reduce debt to reduce the burden placed on the next generation. The OBR’s October forecast confirmed that the Government are on course to do that, and that we have met our near-term fiscal rules three years early. We will continue with our balanced approach, keeping debt falling while supporting public services, investing in the economy and keeping taxes low.

My hon. Friend raised a specific point about the sale of the Channel tunnel. The Government’s approach to such matters is that we sell public assets where there is no public policy reason for retaining them, but all asset sales must meet the value-for-money tests set out in the Green Book at the time.

It has been difficult to respond fully to today’s debate, given the range of speeches. My hon. Friend made essentially a macroeconomic critique of the Government, while the Opposition Front-Bench Members made a different set of observations, which are perhaps best left to another time. I sincerely acknowledge the need for the Government to come to terms with the fact that in 2019-20 we will still spend £43 billion on net debt interest, which is more than the amount spent on our armed forces. We need to be clear about the imperative to bear down on the challenge of getting our public finances into a position where we do not add to that debt burden, so that the next generation is in a better situation than when we came into Government.
Free Schools and Academies in England

9.30 am

**Greg Hands** (Chelsea and Fulham) (Con): I beg to move.

That this House has considered the future of free schools and academies in England.

I am delighted to have secured the debate, and it is a pleasure to serve under your chairmanship, Mr Davies. I pay tribute to my right hon. Friend the Member for Sutton Heath (Michael Gove) for his perseverance, when he was Education Secretary, in bringing forward the Academies Act 2010, which revolutionised the way schools operate. I also pay tribute to the Minister for School Standards, my right hon. Friend the Member for Bognor Regis and Littlehampton (Nick Gibb)—a veritable rock of stability in Government—who has been making things happen almost throughout the process. Naysayers said that it would not work; they called it an experiment and accused us of creating a divide in the state school system. Eight years on, we see that they were wrong. The first free schools and new academies opened in 2011 and our schools are performing better than ever. Whereas only 68% of state-funded schools were good or outstanding in 2010, that jumped to 89% at the end of August 2017.

Nowhere is more exemplary of the benefits that free schools and academies bring to the system than the two boroughs in my constituency—the Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham. Indeed, K and C and H and F—under the Conservatives until 2014—have been the vibrant nucleus of schools reform since 2010. In those two boroughs, which are the smallest in London, an astonishing five new secondary schools have opened since 2010, and every one of them is a free school or academy. Kensington Aldridge Academy, Chelsea Academy, Hammersmith Academy, Fulham Boys School and West London Free School are providing places for more than 3,700 students. I attended three of the openings—two of them with the Secretary of State at the time.

This year’s GCSE results show that the schools are doing fantastically well: 85% of exams at West London Free School were awarded grades 9 to 4, which in old money is A* to C. Chelsea Academy’s results were in the top 10% nationally, with 30% of its English and maths awards at grades equivalent to the old A* and A grades. At Kensington Aldridge Academy, at the foot of Grenfell Tower and deeply affected by the tragedy last year, students perform a third of a grade better at A-level than those with the same GCSE results in other schools. That is the highest progress score in the whole borough. Four of Britain’s top 12 primary schools are in Kensington and Chelsea. It is a remarkable record.

Kensington and Chelsea has the best schools in the country, and that is even more remarkable given the fact that the most affluent 50% of the borough chooses to opt out of the state system in its entirety. Despite that, the borough has four of the 12 best performing primary schools in the country, and some excellent secondary schools. Throughout both boroughs, including conversions to academy status, we have no fewer than 30 free schools and academies. I am delighted to say that every one of them—100%—has received a rating of good or outstanding. That is a testament to the success of those schools.

One of the great things about the free schools and academies programme is the autonomy they have in setting pay levels, conditions and hours, which allows them to keep the best talent in the classrooms. When teachers play an indispensable role in nurturing the young minds of children, they should feel a part of the decision-making process, because recognising teachers as experts in their fields and empowering them in that way is a vital part of retention. Fulham Boys School is an excellent example of that. I should declare that I am a co-patron of the school. Remarkably for an inner-London school, in the past four years only five teachers have left—every one of them to be promoted, or because for life reasons they were moving out of London. It is possible to find other state-funded schools that have had a turnover of 100% in the same period. Teachers see themselves spending their entire career at Fulham Boys School and they become long-term mentors to students—familiar, stable figures throughout a child’s education.

**Alex Cunningham** (Stockton North) (Lab): I congratulate the right hon. Gentleman on securing the debate. Schools also have autonomy over exclusion policy. The Select Committee on Education looked at the escalating number of exclusions from academies in the borough of Stockton-on-Tees, but it has no power to influence what the schools do. Does the right hon. Gentleman agree that Ministers need to look more closely at exclusions and why they are happening, and at why some children are denied a full education?

**Greg Hands:** I think that it is sensible to keep those policies under review at all times. I am not familiar with the situation in Stockton-on-Tees, but I think that the hon. Gentleman makes a fair point, and I am sure that the Minister has noted it.

I want to quote a helpful contribution from the headmaster of the Fulham Boys School, a remarkable man called Alun Ebenezer—he is from your part of the world, Mr Davies, although he was in Cardiff, not Swansea. He wrote that he was happy in his position:

“...and yet, eight months later, I decided to apply for a headship at a school that had no site, no pupils, no staff, no exam results, nothing in the trophy cabinet and was 150 miles from my homeland. Why? Because the opportunity to build a school from scratch, the vision set out for that school and the ideology of the free school movement was so alluring. It was an opportunity to make a difference, challenge society, transform young people’s lives; to shake up the established order. I came to London to show what a free school could do when it properly embraces its freedom...I believe the first four years of FBS have done just that.”

That is the kind of can-do attitude that is seen in so many schools in my constituency.

Another example of schools doing as well as that is the group of Ark schools, of which there are five between the two boroughs. They have led the way in
teacher training innovations. Their Now Teach venture, set up in 2016, was designed to encourage high-flyers to retrain as teachers. They get on board the lawyers, doctors and bankers of the world to inspire children and become role models in the classroom. Such innovation is possible only when schools are freed from red tape and the bureaucratic decision-making processes of councils.

John Howell (Henley) (Con): Will my right hon. Friend add parents to the list of people that schools should involve? It is crucial that they are involved in a big way in the running of schools. That solves many of the problems that teachers have with things such as discipline.

Greg Hands: My hon. Friend has hit the nail on the head. The role of parents is vital. Many free schools are parent-led initiatives. I first met people involved with Fulham Boys School in late 2010 or early 2011, along with the then Secretary of State for Education, to discuss how to proceed. Groups of parents in my constituency come to me all the time with all kinds of innovative ideas. I shall talk about some of the problems they face, particularly with finding sites, but my hon. Friend has made a powerful point.

Schools of the kind I am talking about are also doing extremely well nationally, with nearly double the proportion of primary schools rated outstanding, compared with all state-funded primary schools. Secondary free schools and academies are also ahead of state-run maintained schools in the proportion rated outstanding: 30% of free schools have been judged outstanding, compared with 21% of other schools. I see more and more demand. I have come across groups looking for particular specialisms, such as the group of Spanish-speaking Fulham residents who have come to talk to me about setting up a bilingual free school, and another from Fulham’s French community. Other people are looking at subject specialisms. The idea has really driven innovation in my constituency.

However, some issues with the system still need ironing out. Despite all this excellent news, we must not be complacent. There should be no presumption of preferred ideas. I shall talk about some of the problems they face, particularly with finding sites, but my hon. Friend has made a powerful point.

Alex Cunningham: I am grateful to the right hon. Gentleman for taking a second intervention. We can all celebrate the success of schools in local authorities as well as academies, and it is great that the Government built on the legacy left by the Blair Government, which invested tremendously in education over many years. Does he share my concern about support for failing academies? The regional schools commissioner in the north-east is struggling to find a partner for one of our schools in the Stockton borough. It was even suggested at one stage that a failing academy chain should take it over. Months later, it still does not have a partner, because when people look at the books they realise that the failing roll means there are insufficient resources to do what they need to achieve. Ministers need to intervene there quite heavily.

Greg Hands: Again, I am not familiar with the particular local circumstances of the hon. Gentleman’s area. I would say that of course there will be examples of schools in difficulties, across all categories of schools, but the statistics for this are absolutely clear: free schools and academies are significantly more likely to be succeeding than other schools. That is what the evidence clearly shows. But I agree that any school facing difficulties will need careful attention from relevant local or national authorities.

Mike Kane (Wythenshawe and Sale East) (Lab): The right hon. Gentleman makes a passionate defence of the schools in his constituency, which is the first thing a constituency MP does, but there is no evidence anywhere to show that academisation means that schools are performing better.

Greg Hands: I disagree. I have already read out quite a bit of evidence from the statistics behind the academies outperforming the rest of the sector: 65% of those inspected saw their grades improve from inadequate to either good or outstanding, having been transformed into academies. Multi-academy trusts enable our best performing schools to help struggling schools improve all the time. The evidence speaks for itself in the statistics I read out earlier and in the Government’s overall improvement in school standards.

Returning to my point about where we need to improve, one size does not fit all for education. Schools cannot simply be transposed from one part of the country to another or rolled out in a cookie-cutter approach simply because they have worked in one format. There has to be room for local organic growth. I will put on the record my frustration with the Education and Skills Funding Agency, which must do better at working with schools to anticipate and resolve problems in site delivery. The Fulham Boys School, which has been waiting to move to its new site for some time now, has been particularly affected. The ESFA should, in this regard, harness local knowledge and relationships rather than necessarily relying on centralised procurement processes.

Schools need certainty to plan for their futures. I thank the current Secretary of State for meeting me and the school last summer—I know we have another school coming up—and trying to drive through the move to the new site in Heckfield Place in my constituency. I will quote again from the school’s headmaster, whose blog post title overdoes it the other way. It is entitled, “Why the free school movement will fail”, which I think is far too pessimistic. The title does not really match the content. He writes:

“My view, shaped over the last 4 years, is that bureaucrats’ delivery of Free School policy is directly frustrating government’s aspirations for it... Secondly, Free schools like FBS are constantly being frustrated and hampered by slow moving bureaucracy, red tape and ‘process’.”

I will add into the mix here that one of the most extraordinary meetings I ever had in Government, when I was a Minister, was taking the Fulham Boys School in to meet some of the ESFA officials. One official—admittedly, he was an outside contractor—said to the Fulham Boys School, which is also a Church of England school, “You are a faith school, so you must have belief that your school will open.” He could not offer specific reassurances on the site or when the contractors doing the site would be ready. He simply said to them that, as a faith school, they needed to believe. I do not know how religious you are, Mr Davies, but I would say that even the most evangelical of people would want to see something slightly more concrete than that on the table.
Unfortunately, progress has come to a grinding halt under Labour in Hammersmith and Fulham. The borough has failed to provide additional school places that are needed, particularly for the bulge in secondary school numbers that is coming up. Ironically, despite all these new schools, the borough now has the lowest figure for first-choice secondary school placements in England—it is absolutely rock bottom of that league table. Hammersmith and Fulham simply does not have enough places at quality schools that parents want their children to go to.

The council itself predicts that by 2027 there will be a deficit of 327 places for students between years 7 and 11, not including sixth form. That is 327 students without a place by the year 2027. Kensington and Chelsea also has a problem, as the figure there is projected to stand at 195 students by 2023-24. There is also something there that needs fixing. Creating additional secondary school places is a challenge in a constituency such as mine, especially finding sites in the two boroughs I represent, where land is incredibly expensive. We need to recognise some of the difficulty in doing that. It is easier said than done.

Nevertheless, the popularity of these schools at secondary level is evidenced by how over-subscribed they are. West London Free School receives nearly 10 applications for every year 7 place. At Lady Margaret School, which is a conversion to an academy, it is nearly seven applicants per place. These schools continually top parents’ lists of first preferences, and all of them outperform others in their area. It is, of course, great news that the Department for Education expects around another 1,000 maintained schools to become academies over the next two years, and that 110 new schools opening by 2020 will be free schools. There was also news in September that 53 new free schools and one university technical college will be creating up to 40,000 new school places.

That is the picture locally: excellence, popularity of these schools, and continuing drive from parents to create more of them. We have a deficit of school places and parents are demanding these kinds of innovative schools, but they are concerned—I will put my cards on the table—at what they are hearing from the Labour party about its plans. I was amazed at the speech by the shadow Secretary of State for Education at the Labour party conference. I doubt that you personally had the misfortune to be there, Mr Davies, because I know you are a sensible man, but she said—

Geraint Davies (in the Chair): Order. Mr Hands, it is probably not a good idea to make assumptions about the Chair to which I cannot respond, but do continue.

Greg Hands: I apologise, Mr Davies. You are quite right, of course. The shadow Secretary of State for Education said:

“We’ll start by immediately ending the Tories’ academy and free schools programmes. They neither improve standards nor empower staff or parents.”

I put it to the Opposition spokesman today that I have outlined in 17 minutes a lot of the progress that has been made in my constituency and the popularity and success of these schools. Parents with children at the schools are alarmed at the Labour party’s position and what it might mean, particularly if they have a Labour council that also believes in his policy. I invite him to put on record that these parents and all the groups coming to see me now who want to set up new free schools have no reason to be afraid. There is an incredible diversity of parents and others looking to take advantage of this innovation, and it would be fantastic if we could hear from him that their fears are unfounded. I will sit down and give others an opportunity to contribute to the debate, but I look forward to hearing the responses from the Front Benchers in due course.

9.48 am

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to serve under your chairmanship, Mr Davies. I thank the right hon. Member for Chelsea and Fulham (Greg Hands) for securing the debate and for giving us an insight into how schools are improving in his constituency. I think he will find that our experience in Ellesmere Port and Neston is a little bit more mixed. Of course, every area is slightly different, but one thing he said that I was very interested to hear was about staff turnover in a particular school. That is a real challenge in trying to drive up standards, and I would certainly like to hear more, perhaps after the debate, about what was done in that school to keep staff numbers so stable, because there is no doubt that the best schools are those that can recruit and retain the most impressive staff.

I must declare an interest: my wife is the cabinet member for children and young people at Cheshire West and Chester Council, and two of my children attend a local school in my constituency.

Cheshire West and Chester Council has an impressive record in education, with more than 90% of its schools rated good or outstanding and a plan for every school in the borough to reach that standard. If that council were a multi-academy trust, Ministers would be singing its praises and finding ways to bring struggling schools from across the area under its leadership. Instead, because it is a local authority, the push has been in the opposite direction, with pressure put on governing bodies to convert schools to academies. That is a perfect example of why Government policy is not always about rewarding what works best or bringing people together to improve. This policy is about an ideological drive towards academies and free schools, and I think that, contrary to what the right hon. Gentleman said, it is an experiment that is failing.

The flaws in the Government’s drive towards academisation at all costs are clear to see in my constituency, following the serious decline of one academy over a number of years, to the extent that an entire cohort of young people have in effect been failed by the system. That is not to say that there was not some excellent teaching at the school or that we are not incredibly proud of the skills and talents of our young people, but when inspection after inspection raised serious concerns, something needed to be done. If it had been a local authority school, there is no doubt that that would have been enough for the Government to declare that the leadership of the school had failed and the school would need to be converted into an academy. Instead, after years of indecision, the remedy prescribed is more of the same.

A decision has been made to re-broker the schools within the trust to new sponsors, and although we are all hoping for the best from the new sponsors, parents
are understandably anxious to ensure that the same situation does not arise. I know that the new sponsors are making real efforts to engage with parents. However, the process took far too long, and all the time the council was willing and able to step in and help, had it been asked. I would therefore like the Minister to explain, if he can, what the rationale is for preventing high-achieving local authorities such as Cheshire West and Chester from bringing academies back under their control. Is there a sound evidence base for the policy, and does it have the support of headteachers and teachers, or is it in reality an ideological decision?

My hon. Friend the Member for Stockton North (Alex Cunningham) referred to this, but when I consider that there are more than 100 failing academies, looking for new sponsors, that are responsible for 70,000 children, I have to conclude that ideology is hampering those children’s opportunity to get a good education, because there does not appear to be a plan B. We have heard a lot about there being no plan Bs in other areas recently, and it appears that there is no plan B for failing academies either.

Even if my local school were an isolated case, that would be reason enough to revisit the Government’s approach, but a Schools Week investigation found that at least 91 multi-academy trusts had closed or were in the process of being wound up since 2014. The Government handed out grants of between £70,000 and £150,000 for new academy sponsors to set up a trust, and cover running costs until the first school opens. If each of the 91 closed trusts received just the lowest possible grant, which of course may not have been the case—it may have been more—the Government will have paid at least £6.1 million to set them up. Then there are the debts that the Department has to write off when a trust collapses—£3 million in the case of University of Chester Academies Trust, a deficit in the region of £8 million at the Schools Company Trust, £500,000 in the case of Lilac Sky Schools Academy Trust and £300,000 owed by the Collective Spirit Community Trust.

In a time of real-terms cuts to local schools budgets, how can the Government justify spending at least £10 million, possibly a lot more, on failing multi-academy trusts? Then there is money coming out at the other end, with reports of an academy head receiving an £850,000 pay-off. That simply would not be allowed anywhere else in the public sector, so why is it allowed in this case?

It is simply not a level playing field at the moment. A local school tells me that it is desperate to expand, but does not have the opportunity to bid for capital funding to achieve that aim. How can it build on its success when it is unable to build? I am sure that if it reopened as a free school, there would be no problem in getting the cash, but why does it need to reinvent the wheel? Why are existing schools that have put the effort in, have made great improvements and are already an established part of the community discriminated against because they are not part of the latest fad from Government? How about a capital funding policy that rewards improvement and looks at where existing provision can be augmented?

Has all the money spent on academies been well spent? Let us take the words of David Laws:

“What we know is the most successful part of the academisation programme was the early part of it... Those early academies had absolutely everything thrown at them. They were academised school by school, with huge ministerial intervention. The new governors were almost hand-picked. They often brought in the best headteachers to replace failing management teams. They had new buildings. Sponsors had to put in extra cash.”

In an echo of the intervention from my hon. Friend the Member for Wythenshawe and Sale East (Mike Kane) on the Front Bench, David Laws went on to say:

“Our research shows that much of the programme since then has had little impact on standards.”

Another issue that arises from the programme of mass academisation that we have seen in recent years is that the local authority has become the admissions authority in name only. Of course, the net result of that is that some schools end up being over-subscribed, which exacerbates the chaos that we are already getting because an academy-led system means that we get an increasingly lopsided and unstrategic approach, with more and more children being taught out of area because of the way in which schools can set their own admissions policies now.

That has also, I think, led to a rise in the number of children being home-schooled. That figure has risen by more than 40% in the past three years, according to figures obtained by the BBC. That is not about a broken admissions system; it is about schools perhaps suggesting that a particular child could be home-schooled to avoid an exclusion or that the school environment might not be the best place for the child if they have special educational needs. Yes, some parents are just exercising parental choice in home-schooling their children, but surely the rise in the number of academies and the rise in the number of home-schooled children at least needs to be examined to see whether that is something more than a coincidence.

Who is monitoring and evaluating the explosion in home-schooling? Has there been a 40% increase in resources to facilitate such monitoring? Are we confident that the legislation and guidance in this area are as up to date as they need to be? Are we comfortable that so many children are now being educated in that way? Is it a great example of parental choice, or have parents been forced down that route because the school that their children were in, or the system, led them to that place? What efforts are being made to enable children being home-schooled to return to school? What scrutiny is taking place of schools or areas that have higher than average levels of home-schooling? Is any analysis done of variations?

Those are not easy questions to answer, but they should be asked. I fear that because we have a fragmented system, once a child starts to be home-educated, they become someone else’s responsibility. That is the wrong approach. We owe it to all children to ensure that they get the very best education, no matter where they are.

I would like the current landscape in education to be altered so that there is accountability, transparency and a level playing field. At the moment, I suggest, we have none of those things.

9.58 am

John Howell (Henley) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. I thank my right hon. Friend the Member for Chelsea and Fulham (Greg
Hands) for introducing this subject, because it is one that I have spent quite a considerable amount of my time specialising in within my constituency. I also thank my right hon. Friend the Minister, who has been incredibly courteous to me over the years, meeting with me and with schools of all sizes so that we can discuss problems. I place on record my sincere thanks to him.

One thing that I have been able to do in specialising in this area is to visit every school in my constituency. I think, from memory, that that is more than 100 schools, which is quite a lot. I have not done that all in one year; I have done it over a number of years, given that we have only Fridays and that the schools are on holiday for quite a lot of the year. But I have done it; I have visited all of them.

I would like to mention one school in particular that fits in with the subject of this debate, the Europa School in Culham in my constituency. Before I describe it, I re-emphasis the point that my right hon. Friend the Member for Chelsea and Fulham made about how free schools offer considerable flexibility to reflect a particular way in which parents want their children to be taught. In this case, being a free school offers a particular mindset for how to approach the area, which we should all bear in mind.

The Europa School is the successor to the European School. I am not going to get into a Brexit debate—in fact, I was at a naval dinner last night where, if anyone mentioned the term “Brexit”, they had to drink a large measure of neat rum.

Alex Cunningham: Brexit!

John Howell: While I would love that to be the case here, I suspect it will not occur.

The European School had a distinguished record. It was set up when lots of European parents were over to work at the Culham Centre for Fusion Energy at Oxford University and at the Harwell science centre. For several reasons, the European School’s funding dried up, so the Europa School was started as its successor, and has gradually taken over its workings.

The Europa School was set up as a free school, because that is what the parents wanted. They wanted the particular type of education that the European School offered to continue through the free school. That type of education was a way of approaching subjects in original languages. Children did not go and learn in French, Spanish, German or English. They were taught in all those languages, so they could end up having history in German or geography in Spanish, and so on throughout the complete list of subjects. That is a valuable way of teaching. The parents wanted that system to continue in the school, and it is being continued.

To encapsulate that teaching at the end of the process, the parents also wanted the children to take the European baccalaureate, which offers a comprehensive system for evaluating children at roughly the equivalent A-level period that they would have to face. We need to hold fast to that in what I say next.

We must not forget that the school was principally set up to deal with parents of European origin in the area. The approach to teaching languages has proved immensely successful—so successful that we are now in a situation where non-European parents are desperate for their children to enter the school and be taught in that way. Because it is a free school, it can offer that way of teaching and it can say to the parents, “We can take your child in.” To be honest, I think it is a superb way of being taught languages.

The problem comes about because of the European baccalaureate. As I said, the school is desperate to continue teaching it, but there is some difficulty about the ownership of the copyright for it, and a distinction is being made as to whether that is in the gift of the European Commission or the Department. The school has had some interaction with the Department about the issue, which needs to be resolved. It is important because that way of teaching is very special, and people have become not only wedded to it, but so attracted to it that it attracts parents from a wide area. Earlier this year, I presented a petition from something like 2,500 or 3,000 parents and friends of the school in the House of Commons to try to encourage the Government to make sure that the European baccalaureate can continue to be taught there.

There is something special about free schools, particularly in what they can teach and the way in which they can teach it. The Europa School illustrates that above all, which is why I have spent the last few minutes telling hon. Members about it. It is a good example of how free schools work, how they can take the attitudes of parents and make them a reality, and how they can, in this case, through the European baccalaureate, continue to offer something of enormous benefit to children. I think the Minister agrees that there is no issue of quality about the European baccalaureate; it provides just the same quality that children would get if they were taking traditional A-levels. For that reason, I fully support the school.
There is success, but there are places where success does not yet exist. We have to put a great emphasis on everybody who is succeeding, but we need to put an even greater emphasis on those who are not. The first two academies in the Stockton-on-Tees borough were the North Shore Academy and the Thornaby Academy. Both schools have tended to bump along the bottom. That said, the North Shore Academy is now showing real progress, which I celebrate. It has relatively low numbers, however, so budgets are a major issue, particularly since the Government introduced their fair funding programme that saw funding move from schools in the north with considerable special needs to those elsewhere in the country.

I referred to the Thornaby Academy when I talked about support for failing academies and the bizarre proposal from the regional schools commissioner at one point that a failing academies chain should come in and work alongside it. It is still waiting for a partner to help improve it, but because of its falling numbers, its budgets are extremely limited, so it struggles considerably—so much, in fact, that the local authority is contemplating subsidising it and putting resources into it to ensure that it can survive a little longer. So what we need to know from the Minister is how we will get schools such as these achieving to the levels that we have been celebrating earlier today.

In an intervention, I talked a little about exclusions. There was even a television programme on exclusions last night. I only have second-hand information about it because, of course, I was one of the many people who were here very late last night. That programme looked at what happens in some schools where children are put into a room called the “ready to learn room”, so they are excluded and taken out of the classroom. I understand why children need to be removed from classrooms at times; it is because they are disruptive to others. However, those children also need support—real support—and putting them in a room and isolating them is not necessarily the right idea.

At least one school in the Stockton borough puts children into pods, so that they are sitting in a little box and facing a blank wall, when they are supposed to be getting on with work. Yet those children are the ones who are possibly—indeed probably—the most likely to be excluded. And when they are excluded permanently, they end up back in the arms of the local authority, even though local authorities have been stripped of services. We know about special educational needs much more quickly than those who are unhappy.

Those children also need support—real support—and putting them in a room and isolating them is not necessarily the right idea.

Within the Stockton borough—it is probably the same across the country—one of the greatest pressures on funding is the pressure on high-needs funding. Stockton experienced a £2.5 million overspend in that funding in the past financial year and it is projecting that it will have a similar overspend in 2018-19. That is because it has to support the youngsters who are excluded from academies, while also doing other work; I appreciate that. Nevertheless, it has to support those children.

The council’s view is that there is just insufficient high-needs funding in the system. It continues to lobby for an increased funding deal and I am sure the Minister realises that that is what I am doing to him now: I am actually lobbying him directly for more high-needs funding for children, not only in the Stockton borough but across the country.

Of course, in the absence of additional funding from central Government, the local authority is taking action to reduce costs in all sorts of areas, to live within the funding envelope that is available to it, but that is simply proving more and more difficult every single year.

The local schools forum agreed at its meeting on 27 November to submit a request to the Secretary of State to transfer £1.4 million of the schools block to the high-needs budget. I hope the Minister will consider that very carefully, in order to give these schools the leg-up that they need. It was not an easy decision for the forum to take, because schools are really concerned about the lack of funding in the whole system. Some areas, such as ours, have actually suffered because of some of the fair funding decisions and, of course, because of the number of pupils going into particular schools. I would very much welcome the Minister’s view on that issue, but what is he going to do specifically about high-needs funding in the longer term?

Yes, let us celebrate success. I love celebrating success; I just love going into our schools. The atmosphere is tremendous and there is no doubt that generally children are very happy in school, and happy children learn much more quickly than those who are unhappy.

So we really need to think about where the support services are. We know about special educational needs and we know that certain children need particular support, and yet special needs budgets are being squeezed in these years and we really need to do more to support those budgets, so that those children can get the support they need, become happy children and learn.

I will continue to celebrate successes, but I just hope that the Minister will recognise that although we generally have a very successful schools system in this country, there are many, many children—hundreds of thousands of children—who are still being failed because we do not have the recipe right. We need to get that recipe right as soon as possible.

10.13 am

Mike Kane (Wythenshawe and Sale East) (Lab): As ever, Mr Davies, it is a pleasure to serve under your chairmanship.

I congratulate the right hon. Member for Chelsea and Fulham (Greg Hands) on securing this important debate. It is a debate without many Members; the House sat very late last night with the Brexit deliberations. I understand that the right hon. Gentleman went to Dr Challoner’s Grammar School. Its motto is “Ad Astra Per Aspera”, which means, “We look to the stars through difficulties”. That might be good advice for the current Government, as they navigate or steer the ship through the Brexit waters. However, other Labour Members will agree that, as things currently stand, the Government are steering using celestial navigation on a cloudy night. Anyway, there are not too many Members here in Westminster Hall today, because so many were in the House last night.

The reality of the current school system is that it is broken, and that it has been fragmented beyond repair. The right hon. Gentleman talked about the Secretary of State for Environment, Food and Rural Affairs, the
right hon. Member for Surrey Heath (Michael Gove), who threw the system up, broke it and then saw how it would coalesce together. The right hon. Gentleman said that he wanted to see us go up in the PISA standings—the programme for international student assessment standings—in terms of standards. We know that has not happened; because of the reforms, that just has not worked at all. Also, the system is in parts unfair and unaccountable, as has been said, and in most places it is not being led by the needs of local communities.

I did a simple Google search on academies and schools today, just to see what would come up. Day in and day out, we see some of the problems that the system is faced with today. Amanda Spielman, the chief inspector of Ofsted, has said that it is a “halfway-house” and “inadequate”, and that it does not have enough capacity. There are not enough teachers and leadership in the system, and schools are being left in limbo for far too long, which is a point I will come on to in just a moment. In fact, one school has been left in limbo—without a sponsor—for seven years. That was the result of the first part of my Google search.

**Greg Hands:** May I take it from what the shadow Minister is saying that he endorses his boss’s proposal, which is immediately to end the Tories’ academy and free school programme? Can he confirm that today?

**Mike Kane:** I will come on to say what our programme is. We will see new schools and new academies, but we will bring them in where they are accountable to local people, where proper spatial planning is done, and where numbers are consistent with the school places being brought forward. At the moment there is no accountability; I will explain that later in my speech.

**Greg Hands:** In the hon. Gentleman’s policy, the future of those free schools and academies will be accountable to local people. How will that differ from existing county schools?

**Mike Kane:** Currently, we have a system that is unaccountable. The hon. Member for Henley (John Howell) had to raise issues of pedagogical knowledge and how a school teaches, directly with the Minister. We cannot run 22,000 schools in England and Wales from Whitehall; nobody expects that. So the system will be local and accountable when Labour comes to power. That is what parents want. We have seen parents being cut out of academies and coming off governing bodies across our land; we want parents driving the policies of our local schools with local elected authorities.

Secondly, if someone does a simple Google search, they will find that the Department for Education itself has recently named and shamed 88 academies and trusts for failing to publish their financial returns.

The third thing that came out of my Google search today is that currently the academies—I emphasise that this has just been reported today—have a £6.1 billion deficit within the system. What is going on with the accountability and financing of this programme?

Finally, I will say one more thing on this issue. The Conservatives have hugely lauded individual schools and some headteachers who have followed the programme in this instance. Now, however, one of the Tories’ lauded headteachers in Birmingham—I will not name them here today—has been banned from teaching indefinitely because of poor standards in the school they run.

So, the system is broken and fragmented. When there are 124 failing schools left stranded outside the system, waiting to be transferred to another chain or sponsor, something is wrong: my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) talked about this issue very articulately. Indeed, there are authorities that are willing to participate but they have been cut out of the system, including authorities with some great expertise—not just Labour authorities, but Conservative-controlled authorities, too. That does not chime with what lots of Conservative councillors say should be the policy up and down the country.

The right hon. Member for Chelsea and Fulham talked about faith. What would happen if it was not for the Church of England, which is a broker to so many thousands of schools, especially in rural areas? It is a different situation for those of us who represent cities. We have no trouble in cities in finding academy sponsors, but in rural and suburban areas schools have trouble in that respect.

**Alex Cunningham:** As I have said, we have struggled to find a partner for one school in the borough. I extend to my hon. Friend my invitation to the Minister to come to Stockton, because that is an authority where academies and the local authority work very closely together, which can only be to pupils’ benefit.

**Mike Kane:** If my hon. Friend is inviting me to Stockton, I would be delighted to come to the north-east. The reality is that most academies worth their salt co-operate with their local or sub-regional authorities, because they want to co-operate. In the 1960s, 1970s and 1980s, parents chose not to send their children to some schools in London because of some of the horrendous things that were going on. It was not market competition that changed that; it was co-operation through the London Challenge. The Labour Government put money into failing schools, bringing the best pedagogy and the best teachers together through a co-operative system, and raising standards so that 50% of all children in London who are on the pupil premium now get at least five good GCSEs. That is what we did in London. If a line is drawn through the north of England from the Humber estuary to the Mersey estuary, through my constituency and those of my hon. Friend the Members for Ellesmere Port and Neston and for Stockton North (Alex Cunningham), it shows that number drops to about 34%. We know what works: it was being rolled out across the country in 2010, and then austerity put an end to it.

I was making a point about the Church of England. The right hon. Member for Chelsea and Fulham talked about whether we have faith—the substance of things hoped for over the evidence of things seen. That is certainly Government education policy as it currently stands. I am not of the view that academies are bad, that free schools are bad or that we need to sweep a broom through the entire system: Labour’s reform proposals will not mean a single school closing, and will not mean any schools that are currently in the pipeline being cancelled. However, for far too long, parents and local communities have been shut out of decisions affecting the schools in their area. The Minister needs to give
power back to communities, so that our schools are run by the people who know them best—parents, teachers and those local communities.

Greg Hands: The hon. Gentleman has given himself an opportunity to clarify his policy proposals. It sounds like the schools will carry on, but they will no longer be free schools; they will be wholly under local authority control. Can he confirm that—yes or no?

Mike Kane: No, they will not be wholly under local authority control. Local and sub-regional authorities will have a say in our schools. They already have a say on spatial planning—that is, where places are needed. Local authorities work best where they co-operate with schools, and that will happen again. Local authorities, though, should be given the power to take on schools when no other sponsor can be found. What is the ideological obsession with not allowing that to happen?

As I have said, there are currently 124 unbrokered schools, containing 700,000 children. Giving that power to local authorities would ensure that no school is left without the support of a sponsor to deliver school improvement services and provide it with a network of schools. How many schools are currently awaiting a sponsor, and of those, what is the longest time a school has had to wait to get a new sponsor in place?

As my hon. Friend the Member for Ellesmere Port and Neston said, and as did I when I intervened on the right hon. Member for Chelsea and Fulham, the Education Policy Institute—whose executive chairman was formerly a Minister in the coalition Government—has confirmed yet again that there is “little difference in the performance of schools in academy chains and local authorities.”

There is no evidence of that difference. The evidence that the right hon. Gentleman cited was that there are more pupils in our school system. That is what the Government have been getting away with when trying to explain that standards have gone up—standards in schools that have not been inspected by Ofsted for over a decade. We also know that Ofsted’s only data measures affluence and deprivation, rather than the quality of teaching and learning. What matters is that schools are able to connect with a group of schools that have high performance, which is what the London Challenge did.

As there is no evidence that converting a school to an academy will improve outcomes for pupils, will the Minister commit to ending the policy of automatic conversions for schools that receive Ofsted ratings of “inadequate”? It does not happen the other way around.

It is not just sponsorship that is a challenge for our academies and schools. When 91% of schools are facing real-terms cuts to their budgets, we cannot allow to go unchallenged a system that permits the education of children to become a vehicle for private profit, and that allows the rewarding of huge executive salaries—an £850,000 payoff in one case, as my hon. Friend the Member for Ellesmere Port and Neston said—and has resulted in mounting scandals and evidence of financial mismanagement. As I stated at the beginning of my speech, one Google search produced that evidence. There has been scandal on top of scandal, and yet the response from those on the Government Benches has been to do nothing. If the Minister is serious about financial transparency about spending in academies and free schools, will he agree to ban any related party transaction where a profit is being made, regardless of the kind of school involved in that agreement? Furthermore, will the Minister take much-needed and called-for action and open an independent investigation into the regulation of academies?

Alongside concerns about academy chains siphoning off funding for the school system, there are also concerns about the actual number of academy schools that are in financial deficit. Currently, the Department for Education data looks at the financial status of overall academy trusts, rather than individual schools within those trusts. That means that if an individual school is in deficit but the trust to which it belongs is in surplus, the individual school is also deemed to be in surplus, in effect masking the real number of schools in deficit. Will the Minister provide clarity on the actual number of academy schools that are in financial deficit? If the Minister does not have that figure, will he outline what steps he is taking to ensure that the Department has a true understanding of the financial stability of all schools? Will he also outline what the implication of that lack of financial clarity in academy schools is for the implementation of the national funding formula?

We have academies without sponsors, academies siphoning off funding, and academies in financial deficit. Surely, there cannot be any further problems with our academy and free school system. Unfortunately, there are: we are in the unbelievable situation that in some areas of the country, this Government are allowing the over-supply of school places while in others there is an under-supply. The 1 million school places much lauded by the right hon. Member for Chelsea and Fulham are, I am afraid, more smoke and mirrors from this Government. Recent Local Government Association analysis of Government figures shows that by 2023-24, 71 English councils—52%—may not be able to meet the need for 134,000 secondary school places.

Greg Hands: Surely, by that token, the hon. Gentleman will condemn Hammersmith and Fulham Council because it is absolutely bottom of that table when it comes to the projected deficit of secondary school places.

Mike Kane: Councils should have good spatial planning about their school places. I do not have the evidence about that. The right hon. Gentleman comes from—which local authority?

Greg Hands: Kensington and Chelsea.

Mike Kane: We in the Opposition will have no lectures about how Kensington and Chelsea Council has comported itself over the past year or two. Two major incidents happened in this country last year: one was the Grenfell Tower fire, and the other was the Manchester Arena bomb at the Ariana Grande concert. Look at how those two authorities responded to those two major tragic incidents: one was condemned, one was praised.

Councils are facing an emergency in secondary school places, with the number of pupils growing at a faster rate than places are becoming available, yet those best placed to solve this crisis—the councils themselves—have been shut out of the system, with no powers to open schools, even though they are having to deal with the
fall-out. That has resulted in the perverse situation of academies and free schools opening in areas with little or no demand for places. I remember the school that opened in Bermondsey, costing £2 million, even though the council begged it not to build a school there. It attracted 60 pupils over two years before it shut. We could have sent those children to Eton for half the price.

The reality is that our current school system is broken. It has been fragmented beyond repair. In parts, it is unfair and unaccountable and not being led by the needs of local people. In the debate, we have exposed a system that allows schools to be left in limbo without support, that lacks financial transparency and accountability, and that does not respond to or reflect the needs of local communities in most places. While those on the Government Benches appear to have no plan in place to address the challenges, Labour has a clear vision with a national education service at its heart. It would create a future system where all schools have a vested interest in the local community and not private corporations.

10.30 am

The Minister for School Standards (Nick Gibb): It is a pleasure to serve under your chairmanship, Mr Davies. My career has come to a point where I am now serving under people who I entered Parliament with in 1997, such is the level of seniority that they have reached.

Geraint Davies (in the Chair): About time too.

Nick Gibb: Indeed. I congratulate my right hon. Friend the Member for Chelsea and Fulham (Greg Hands) on securing the debate and on his passion and commitment to ensuring that pupils in his constituency fulfil their potential through high-quality schools and education. Thirteen academies and free schools have opened in Chelsea and Fulham since 2010, and I congratulate the teachers, headteachers and all the staff who have dedicated their time to ensuring their success. That includes those who have been involved in establishing Fulham Boys School, of which my right hon. Friend is a patron.

My right hon. Friend talked about a number of free schools. He mentioned Kensington Aldridge Academy, where the excellent headteacher, David Benson, has pushed up academic standards and stewarded its potential through high-quality schools and education. Thirteen academies and free schools have opened in Chelsea and Fulham since 2010, and I congratulate the teachers, headteachers and all the staff who have dedicated their time to ensuring their success. That includes those who have been involved in establishing Fulham Boys School, of which my right hon. Friend is a patron.

The hon. Member for Wythenshawe and Sale East (Mike Kane) needs to be a bit more rigorous in his research than simply clicking through Google. For example, school academies’ accumulated surpluses amount to something like £4 billion. Excluding fixed assets and pension liabilities, the sector’s net assets have increased by £0.2 billion, from £2.6 billion in 2016 to £2.8 billion in 2017. He also referred to accountability. The whole essence of the free schools and academies programme is based on evidence from the OECD that shows that high-performing education systems around the world have two things in common: professional autonomy, combined with very strong accountability. The accountability system for our academies is stronger than it has ever been.

The hon. Member for Wythenshawe and Sale East also raised specific issues about related party transactions, and I want to address that. We have changed those arrangements so that from April next year those transactions will be transparent and receive more oversight. Academy trusts will be required to declare all related party transactions to the Education and Skills Funding Agency in advance and seek its approval for those that exceed £20,000 either individually or cumulatively. He has said in other debates in the Commons that there have been more than 100 closures of free schools. Again, I am afraid that his facts are wrong. As of 1 November this year, 13 free schools have closed since the beginning of the programme. In addition, seven new university technical colleges and 21 studio schools have closed. In total, that amounts to 41 free schools, UTCs and studio schools closing since the programme began, not the number he cites.

Mike Kane: Does the Minister not include the collapse of, say, the Wakefield City Academies Trust, which had 23 schools? That is another trust that collapsed.

Nick Gibb: Those schools have not closed; they have been re-brokered very successfully to others. The essence of the free schools and academies programme is that we do not allow schools to languish in special measures year after year, which in essence is what was happening when those schools were under local authority control. We take very swift action where schools underperform, and we will not change the law that requires schools to become academies once they go into special measures, because that is how we get improvement. I will come on to some of the examples of how that works in due course.

Every child in this country, regardless of where they live or their background, should have the opportunity to benefit from the very best education. Free schools and academies have shown that professional autonomy in the hands of able headteachers and teachers can deliver a world-class education. For example, Dixons Trinity Academy, a free school in Bradford, achieved extraordinary results in 2017. Its first set of GCSEs placed it among the top schools in England for the progress achieved by its pupils. Strikingly, the progress score for pupils from disadvantaged backgrounds was higher than that for the whole school, including more affluent peers. That school and many others show that socioeconomic background should not and need not be a barrier to academic success.

Leading multi-academy trusts, often led by inspirational headteachers, demonstrate that excellence need not be restricted to isolated schools. Thanks to a forensic approach to curriculum design and the implementation of evidence-based approaches to managing behaviour, the Inspiration Trust in Norfolk and the Harris Federation in London—one of the best performing multi-academy trusts—have conclusively demonstrated that all pupils can achieve whether they live in coastal Norfolk or inner-city London.

Alex Cunningham: It is good to hear the Minister continue to celebrate the success of our schools, but I still wonder about those that are not quite so successful.
and the support services they require. In the past week Ofsted has delivered a damning indictment of the education of those with special educational needs, describing the service as “disjointed and inconsistent”. The Guardian reported that the annual report of Amanda Spielman “drew attention to the plight of pupils with SEND, warning that diagnoses were taking too long, were often inaccurate, and mental health needs were not supported sufficiently.”

Surely those are things that Ministers should be attending to, rather than just celebrating the successes.

Nick Gibb: We are attending to all those issues. As a Government, we take mental health issues extremely seriously. That is why earlier this year we published the Green Paper on young people’s mental health, which will transform the quality of mental health support at every level in our school system across the country. The hon. Gentleman is right to raise the issue of high needs funding, which we take very seriously. High needs funding has increased from £5 billion in 2013 to £6 billion this year, but we are aware of increasing cost pressures on the high needs budget, and we are aware of the causes. We have listened carefully to his lobbying today, and to that of other colleagues and schools that have raised those issues. We take those concerns extremely seriously.

The whole essence of the free schools and academies programme is to empower teachers and headteachers and to promote the importance of innovation and evidence. Power is wrested away from the old authorities. Ideas are weighed and, if they are found wanting, can be discarded. There has been a resurgence—a renaissance—of intellectual thought and debate about pedagogy and the curriculum that used to be vested only within the secret garden of the universities. Now it is debated rigorously by thousands of teachers across the country.

Free schools have challenged the status quo and initiated wider improvement, injecting fresh approaches and drawing in talent and expertise from different groups. There are now 442 open free schools, which will provide more than 250,000 school places when at full capacity. We are working with groups to establish a further 265 free schools. In answer to Alun Ebenezer, the headteacher who runs an excellent school in my right hon. Friend’s constituency, the free school programme is thriving.

Thanks to powers granted by the Government and the expansion of the academies and free schools programmes, teachers and headteachers now enjoy far greater control over the destiny of their school. Decision making has been truly localised and professionalised. These extraordinary schools are changing what is thought to be possible and raising expectations across the country. They are an example to any school seeking to improve. Whether we look at Reach Academy in Feltham, Dixons Academy in Bradford or Harris Academy Battersea—all with high pupil progress scores—we see that there are some obvious similarities.

All of the schools that I have mentioned teach a stretching, knowledge-rich curriculum. Each has a strong approach to behaviour management so that teachers can teach uninterrupted, and they all serve disadvantaged communities, demonstrating that high academic and behavioural standards are not and must not be the preserve of wealthy pupils in independent schools. Indeed, Harris Westminster, a free school that opened in 2014, which has close ties to Westminster School and draws pupils from across London, has reported that, with 40% of its pupils from a disadvantaged background, 18 pupils went to Oxbridge last year.

All around the country the Government have built the foundations of an education system through which teachers and headteachers control the levers over school improvement and parents exercise choice, shifting decision making from local education authorities and handing it to local communities and the teaching profession. With an intelligent accountability system to maintain high standards, innovative schools collaborate and compete with one another to improve teaching, the quality of their curricula and retention of staff.

Two thirds of academies are converter academies, and many have become system leaders within multi-academy trusts by helping other schools to improve. More than 550,000 pupils now study in sponsored academies that are rated good or outstanding. Those academies often replaced previously underperforming schools, so when the hon. Member for Wythenshawe and Sale East says that he wishes to disband or end the autonomy that comes with the academies and free schools programme, he is saying that he would not have enabled the 550,000 pupils who were languishing in underperforming schools to be given the opportunity to be taught in much higher performing schools, thus taking away opportunities as an enemy of promise and social mobility.

As at August 2018, 89% of converter academies were rated good or outstanding by Ofsted. Results in primary sponsored academies continue to improve. The percentage of pupils reaching the expected standard in reading, writing and maths in current sponsored academies was 42% in 2016, and in 2018 it was 57%. Academies and free schools are driving up standards all over the country. Queen’s Park Junior School in Bournemouth was placed in special measures in May 2011. In the same year only 50% of pupils achieved level 4 or above in reading, writing and maths, compared with the national average of 67%. In September 2011 Ambitions Academies Trust started working with the school, and in October 2012 Queen’s Park Academy became part of Ambitions Academies Trust as a sponsored academy. Queen’s Park Academy was judged outstanding in all areas by Ofsted in June 2014 and is now providing support for other schools in the trust. In 2017 the school’s writing and maths progress scores were both above average, at +2.3 and +1.4, and 78% of pupils achieved the expected standard in reading, writing and maths.

WISE Academies in the north-east of England has taken on nine sponsored academies since 2012. The trust is making the most of its autonomy—the autonomy that the hon. Member for Wythenshawe and Sale East wants to remove—and has reduced teacher workload through efficient lesson planning and by sharing resources. It is innovative in how it teaches, embedding maths mastery techniques from Singapore into its maths curriculum. As a result, every school that has been inspected since joining the trust has been judged to be either good or outstanding.

Free schools are among the highest performing state-funded schools in the country, with pupils at the end of key stage 4 having made more progress on average than
pupils in other types of state-funded schools. In 2018 four of the top provisional Progress 8 scores for state-funded schools in England were achieved by free schools.

**Greg Hands:** Thank you for your right hon. Friend for his excellent exposition of the success and brilliance of so many of our free schools. I do not expect him to make a policy pronouncement today, but will he take on board some of the comments I made in relation to ESFA and the concerns I have heard from various parent groups trying to set up free schools—some successful and some unsuccessful—particularly in an area such as mine where the crucial question is always about the ability to secure the site and, in their view, the bureaucratic approach taken to site selection and delivering financing?

**Nick Gibb:** Yes. My right hon. Friend anticipates the point I was coming to. As he knows, the Fulham Boys School is currently in temporary accommodation and the Department is working hard to ensure that a permanent site will be ready as soon as possible. All parties are working to deliver the site as early as can be achieved, but it remains, as he knows, a complex project. I am aware of people’s concerns about the site. It is a difficult challenge to find a site, particularly in London, but we have more than 400 free schools being established. With any large projects we will find delays and problems, but they are achieved, which is why we have more than 400 successfully opened free schools.

As I was saying, in 2018 our top 10 provisional Progress 8 scores for state-funded schools in England were achieved by free schools, by people who persevered through all the problems of finding a site and getting a school opened. For example, William Perkin Church of England High School in Ealing, Dixons Trinity Academy in Bradford, Eden Girls’ School in Coventry and Tawheedul Islam Boys’ High School in Blackburn are in that top 10. The latter two were opened by Star Academies, which has grown through the free schools programme, from running a single school in the north-west to running 24 schools across the country, made up of nine academies and 15 free schools, and it has approval to open two additional free schools. Of the 10 that have had Ofsted inspections since opening or joining the trust, all have been rated outstanding. That is the kind of programme that the Labour party wants to stop happening in areas of disadvantage that have been poorly served by the schools system in the past. I will be happy to respond to the hon. Gentleman’s earlier invitation to visit schools in his constituency to see at first hand how they use the programme’s autonomy and freedoms to raise standards.

Earlier this year we launched the 13th wave of free schools, targeting the areas of the country with the lowest standards and the lowest capacity to improve. Those are the places where opening a free school can have the greatest impact on improving outcomes. The application window for wave 13 closed on 5 November. We received 124 applications from both new providers and experienced multi-academy trusts. We are assessing the proposals and will announce successful applications in the spring. We will launch the 14th wave of free schools shortly, demonstrating again to Mr Ebenezer and others that the free school programme continues to thrive, albeit with one threat on the horizon: the Labour party is committed to ending the programme.

This summer we launched a special and alternative provision free schools wave. By the deadline in October we had received 65 bids from local authorities, setting out their case for why a new special or AP free school would benefit their area. In the new year we will launch a competition to select trusts in the areas with the strongest case for a new school. We are also continuing to accept proposals for maths schools from some of our best universities, having already seen excellent results reported by both existing maths schools, Exeter Mathematics School and King’s College London Mathematics School. Those schools have exemplary A-level results in maths, physics and further maths.

I am grateful to my right hon. Friend the Member for Chelsea and Fulham for the support that he has given to the free schools programme. Some important points have been raised, and I welcome the opportunity to discuss a central part of our education policy and to share some examples of the excellent work in academies and free schools throughout the country. Since 2010 our education reform programme has brought new levels of autonomy and freedom for schools, with clearer and stronger accountability. There are many examples of academies, and the multi-academy trust model, bringing about rapid and effective improvement in previously underperforming schools.

Since 2010 we have been unflinching in our determination to drive up academic standards in all our schools, and to drive out underperformance in our school system.
Our ambition is for every local school to be a good school, to close the attainment gap between pupils from different backgrounds, and to ensure that every pupil, regardless of their background or where they live, can fulfil their potential.

Geraint Davies (in the Chair): I invite Greg Hands to wind up the debate briefly.

10.51 am

Greg Hands: Thank you, Mr Davies. I will try to fill the remaining eight and a half minutes.

Geraint Davies (in the Chair): You do not need to.

Greg Hands: That is helpful advice—it has been a little while since I have done one of these debates. However, as the time is available, I might say a few things.

This has been an excellent debate. I am delighted that the academies and free schools programmes are thriving and making such a difference to school standards across the country. As the Opposition spokesman pointed out, I had the pleasure and privilege of going to one of the best state schools in the country: Dr Challoner’s Grammar School in Amersham. That stood me in good stead for everything that came after. I have always been a strong believer in high-quality state education, which is what the Government have delivered over the past eight and a half years, and will continue to deliver.

As I said, the very centre of this movement is my constituency, and the two boroughs that my constituency forms part of: Hammersmith and Fulham, and Kensington and Chelsea. In those boroughs, 13 new free schools and academies have opened. It is an incredible achievement to open five new secondary schools, and eight additional primary schools, in the two smallest boroughs in London.

Often such things are very difficult. I remember when West London Free School opened in 2011 or 2012—it must have been almost the first free school. I remember speaking to the then leader of the council, the excellent Stephen Greenhalgh, the then Secretary of State, my right hon. Friend the Member for Surrey Heath (Michael Gove), and the founder of the school. We talked about how we were going to make it possible, and it was quite hard, because people wishing to set up such a school face a number of obstacles. The sites can be very difficult. Most of those people are incredibly dedicated to seeing the schools delivered. I take a strong interest in how the Education and Skills Funding Agency works, and how such things might be improved. I welcome the Minister’s commitment to look at a continuing review of how that is done.

We have a crisis in our schools coming up locally, despite all the achievements. I mentioned the shortage of places in Hammersmith and Fulham. The current Labour council has sat on its hands for the past four and a half years and done nothing about it. After all the achievement in the preceding four years of the Conservative Government, combined with the Conservative council, in delivering all those new schools, nothing has been delivered in the past four years. The area will be short by 327 places. Reform has come to a shuddering halt.

My constituents will also be alarmed by what has been said by the Labour party. The Opposition spokesman today failed to repudiate what the shadow Secretary of State for Education said at the Labour party conference. She said:

“We’ll start by immediately ending the Tories’ academy and free schools programmes.”

I think the Opposition spokesman said, if I understood him correctly, that that would not mean the closure of the schools. However, they would be taken immediately back into—or put under for the first time—local authority control. That would be the abolition of free schools and academies in the way in which they currently operate, ending their autonomy. That will ring alarm bells in my constituency among so many parents whose children are currently at those schools, and among all the parent groups that come to see me to talk about establishing new schools.

There is an incredible diversity in education in my constituency. We have had amazing bilingual Anglo-French schools set up—feeders into the incredible Lycée Français Charles de Gaulle. Some new parent groups want to set up bilingual Spanish schools. I expect that at some point all these groups will come to me and say, “We are alarmed, Mr Hands, by what we hear is the policy of the Labour party—threatening the future of these schools before they have even been established.” I invite the Labour party to review and reconsider its policy, because it will be incredibly unpopular, and is incredibly unpopular in my part of London.

Some of the schools have an incredible record, and an incredibly diverse intake. Fulham Boys School, for example, is very proud of the fact that 40% of its children qualify for the pupil premium, while 15% come to it from a private school background. In a community such as mine, where there is not much in the middle, that school takes the full spectrum of pupils. At Ark Burlington Danes Academy in Shepherd’s Bush, nearly half the pupils are eligible for free school meals. Often such intakes are from the more deprived parts of the two boroughs, in the north, and most of those schools do a fantastic and brilliant job.

It would be a great shame to see that future threatened by a future Government. However, of course, as we all know, there is not going to be a future Labour Government coming up. I can tell parents that they can at least rest assured on that front. Nevertheless, it is a cause of concern in my constituency, and I hope that the Labour shadow team will reconsider their ideological approach to ending the programme, and reconsider what is in the best interests of parents and pupils at those schools, and future schools to come.

Question put and agreed to.

Resolved,

That this House has considered the future of free schools and academies in England.
Southend Hospital

10.58 am

Sir David Amess (Southend West) (Con): I beg to move,

That this House has considered services at Southend hospital.

It is a pleasure to serve under your chairmanship, Mr Davies. I very much welcome my hon. Friend the Minister to his new post in the Department of Health and Social Care. I was on the Select Committee on Health for 10 years, which was probably too long, but during that time—I am bragging a bit—I initiated the debate on obesity, which some people now think they are discovering for the first time. We also dealt with the smoking ban, which I never thought would work, and with passive smoking, allergies and a whole raft of other issues.

I have to say that it is a long time since I heard anything original said about the health service. I have been all around the world and all over the country looking at facilities, and I am left with the conclusion, which I know the House shares, that our national health service is the best in the world. It is the only really nationalised health service that exists. The differences between the two political parties may be a bit blurred, but if it is down to funding, good luck with that issue—the money has to come from somewhere.

I am delighted that my hon. Friend the Member for Rochford and Southend East (James Duddridge) is here to support me. My right hon. Friend the Member for Rayleigh and Wickford (Mr Francois) and my hon. Friend the Member for Castle Point (Rebecca Harris) may not be here at the moment, but I feel that they are somehow here in spirit, because the four of us use the facilities at Southend Hospital.

I must take the opportunity to praise the staff at Southend Hospital, who I know only too well are overworked and underpaid. It is a difficult political issue to deal with, but they are so dedicated and they provide an absolutely excellent service. My hon. Friend the Member for Rochford and Southend East and I, and our families, have benefited from care at the hospital. We were so privileged to be at the Hospital Heroes awards ceremony in September, which celebrated the very best of Southend’s healthcare staff and those who go the extra mile for their patients. I congratulate all the winners and nominees and thank them for their dedication, compassion and considerable expertise.

I also praise the volunteers among my Southend West constituents, who give up their time, unpaid, to support the hospital’s work and help others. Those women and men are there day in, day out and week in, week out, giving a little extra help and support to people going into hospital, many of whom are somewhat concerned and stressed about what lies ahead. From befrienders to hospital gardeners to the library service, they should be commended for their invaluable contribution on behalf of patients across Southend.

Southend Hospital and healthcare services throughout Southend are at a crossroads. It could be argued that their future is uncertain. The Minister will be only too well aware of the mid and south Essex sustainability and transformation partnership plan for the reconfiguration of specialist services across hospitals in Essex. I must tell him that I will not support any changes to those services unless they are led by clinicians, not by politicians. It is up to the clinicians to put their heads above the parapet and argue the case for change.

The plans have been referred to the Secretary of State for review. I will not go into the whys and wherefores of what happened, but we have a Conservative-controlled local authority in Southend and I think the Conservatives were particularly concerned about changes to the stroke service, which is under the excellent leadership of Dr Guyler. I am not sure why all the plans have had to be reviewed. If the Minister cannot answer now, perhaps he could write to me to confirm whether there is a possibility, however vague, that we might lose funding as a result of the delay or that the funding we were promised might arrive less quickly. [Interruption.] Does he wish to intervene?

The Minister for Health (Stephen Hammond): No, no—I was just listening very carefully to my hon. Friend’s speech.

Sir David Amess: Right. Well, there seem to be rumours that, as a result of the plans being referred, there is a real danger that the extra money that we were promised might not materialise or that there could be repercussions for the services at Southend Hospital. I appreciate that the Minister might not be able to comment on that issue at the moment, but in this short debate I hope to set out some of my constituents’ concerns, and my own, about how best to support the world-class services at Southend Hospital and ensure that everyone in all four constituencies receives the best possible care.

Southend has always been absolutely at the top of cancer services generally. I will not delay the House by listing all the organisations that have had a hand in delivering cancer services there, but Southend has always been very highly regarded. From its gynaecology training coming top in the UK and its trauma and orthopaedic team being named training hospital of the year, to its world-leading practice standards for cancer care, Southend Hospital has lots to celebrate about its services and patient care. The radiotherapy department deserves particular mention in the light of its recent CHKS accreditation for its pioneering radiation treatment, as well as its high ratings from the Care Quality Commission. The centre has led the way in utilising highly focused and concentrated radiation treatment on tumours that reduces harm to surrounding organs. It has treated more than 1,700 patients this year and is a great example of the importance of investment in driving world-leading research and developing innovative treatments.

This is where the sting comes in. NHS figures show that 36% of Southend cancer patients wait eight weeks for treatment after their initial GP referral. The Minister may have an answer to this, but more than a third seems somewhat high—more than twice the national NHS target. It is vital that more be done to speed up referrals and avoid such unacceptable delays in treatment, which can cause so much worry for patients. With world-class care on their doorstep, our constituents deserve nothing less than fast access to the treatments that they most need. I would welcome any comments from the Minister about speeding up the process.

Southend Hospital is currently trialling a mobile stroke ambulance unit—a pioneering and innovative treatment service that allows specialists to travel directly...
to patients and treat them en route to the hospital. Data is still being analysed, but clinicians have reported great successes, with specialists being able to deliver life-saving thrombolysis treatment just 16 minutes after the patient alert. That is absolutely incredible. We all know that the sooner a stroke is treated, the more likely a good outcome. Treatment in the first few minutes can make all the difference, so getting patients to a specialist as quickly as possible is imperative. Not only have patient outcomes been improved, but the unit has shown great potential to alleviate pressure on A&E departments. Some 88% of patients in the trial were admitted directly to a specialist stroke unit, freeing up resources across the NHS.

The trial is due to end on 19 December, but so far there has been no confirmation that this pioneering service, which has been funded entirely by charitable donations, will continue. I believe that greater support is needed to ensure that the hospital can retain the mobile unit. More than 100,000 strokes occur each year in the UK, so it is essential for the NHS to use such innovative services to ensure that we can deliver the best care to patients in the shortest time. I know that my right hon. Friend the Member for Rayleigh and Wickford is particularly interested in stroke care and in how it is delivered at Southend Hospital. I encourage the Minister to review the successes of the trial at Southend and to look into how such life-saving services can be offered to patients across the United Kingdom.

The critical issue of time in stroke care is a great concern for Southend. I appreciate that the Minister will be unable to comment on the STP’s proposed centralisation of stroke services in the constituency that I once represented—Basildon. However, maintaining the established stroke service infrastructure and keeping Southend as a centre of excellence is very important. Whatever the outcomes of reconfiguration, my constituents do not want to see the downgrading of the world-class stroke services in Southend, and patients put at risk.

There is a big issue about transport services, which I know is of great concern to my hon. Friends the Members for Rochford and Southend East and for Castle Point, and my right hon. Friend the Member for Rayleigh and Wickford. While Southend Hospital is leading the way in many areas of care, transfer to specialist services is obviously important. Patients are currently transported to acute services across Essex through the treat-and-transfer model. Although that is working in ensuring that patients get access to the specialist treatment they need, a big concern for our constituents is the impact that an expansion to the model could have. Inter-hospital transfers affect not only the patient, but their carers or families. The costs incurred and difficulties experienced by patients and visitors travelling across services need to be taken into careful consideration. It is essential that the local transport services, whether public transport or community transport organisations, can provide the right support to patients and their families.

Mr Mark Francois (Rayleigh and Wickford) (Con): I endorse everything that my hon. Friend has said about the mobile stroke unit. I encourage the Minister to look at the great success that it has been. As my hon. Friend knows, I have particularly focused on the transport issues. The East of England Ambulance Service, which would be the logical service to provide that transfer, is under great pressure as it is. Does my hon. Friend accept that if the whole of the STP is to stand up and be coherent, we must have clearer answers about exactly how the transfer of critically ill patients from one hospital to another would work in practice?

Sir David Amess: As ever, my right hon. Friend is absolutely right; he is intuitive. We need greater clarity on this matter, and our constituents want reassurance and certainty.

I have outlined some of the successes of Southend Hospital, as well as the areas in which greater support and investment are needed. The hospital serves just under 340,000 people and, although challenged by the pressures on the system, has managed to lead the way in world-class care. Southend is becoming a hub of medical education and training, with both the gynaecology and trauma teams recognised as among the best in the country. Pioneering cancer and stroke care at the hospital is at the forefront of treatment innovation, but those excellent services cannot continue at such a standard without investment and support. I hope that the Minister will closely consider our constituents’ concerns, and I look forward to hearing from him what more the Government can do to ensure that Southend Hospital retains its world-class services. I would also be grateful for an update in due course from the Secretary of State, perhaps by letter, on the STP referral when that decision has been made. I look forward to working with the Department proactively on that issue.

James Duddridge (Rochford and Southend East) (Con): I call James Duddridge.

Geraint Davies (in the Chair): Order. I assume, Sir David, that you are happy for James Duddridge to speak in the debate.

Sir David Amess indicated assent.

Geraint Davies (in the Chair): I call James Duddridge.

11.13 am

James Duddridge (Rochford and Southend East) (Con): Apologies for not giving notice in the normal way, Mr Davies; my hon. Friend the Member for Southend West (Sir David Amess) did give me permission to speak in his debate.

The short version of my speech is “Thank you”—not to my hon. Friend, or to yourself, Mr Davies, but to the people who work at Southend Hospital. It is impossible to thank all 4,500 personally. I would like to say that I went to Southend Hospital last night as an assiduous Member of Parliament, purely with the intention of thanking them; sadly, I went to see a family member in A&E, who is thankfully now out. Quite often, constituents see politicians as somewhat remote, but most of the time I have spent at Southend Hospital has been either as a patient myself—I spent three months in hospital only a few years back—or visiting one of my family members.

We are fortunate to have Southend Hospital so close by, but I am unfortunate enough to have to visit it in a non-professional capacity far too frequently. The people at Southend Hospital provided fantastic care for Jack Thompson, my father-in-law, in his final days. As a
Member of Parliament, I quite often find myself visiting constituents. There is such compassion and care during those final hours, as there is care and compassion in every ward, whether that is for the newborns in Neptune ward or for people with dementia in Wilson ward.

My hon. Friend mentioned the hospital’s stars awards, which brought him, me and our right hon. Friend the Member for Rayleigh and Wickford (Mr Francois) together as local MPs. It is amazing to see the depth of those individuals’ compassion and commitment to their roles. As an individual, I have seen that small things can mean the difference between an average person and a fantastic, exceptional person. It might be a cup of tea, or explaining for the third time something that is bleeding obvious, but which, to a parent who is so stressed by what is happening, is hard to take in. Or it might be nurses who put themselves in really troubling jobs—for example, dealing with parents of newborn babies who have passed away, and having to do that day in, day out. The difference that those people can make is absolutely amazing, and one person won a stars award for dealing with those types of situations. That takes an incredibly special person. I thank all those individuals.

I also thank Clare Panniker, who is leading the three hospitals tremendously well. The transformation programme is fascinating and fantastic, at a time when we have more money going into our three local hospitals, as well as more nurses and more doctors. However, there still needs to be more change.

In all candour, I was disappointed with the Southend local authority for referring the whole of the transformation programme, because, like my hon. Friend the Member for Southend West, I trust clinicians. We did have issues around the stroke unit, but they were being dealt with by Paul Guyler, the lead clinician. There were and still are issues on transport, but the idea that the whole transformation programme is wrong is incorrect. I know that my hon. Friend the Member for Chelmsford (Vicky Ford) is effervescing with rage at Southend council. I do not want to be overly dramatic, but she felt that lives had been lost in Chelmsford because we had not got on with the capital expenditure and the specialisation across the three hospitals that gives our families and our constituents better care. Let us push back on some of the capital expenditure and the specialisation across the right reason, which is listening to clinicians and ensuring the best outcome for patients.

I wanted to make those remarks right at the start, and I will say a few words on the three issues that my hon. Friend the Member for Southend West said about specific local issues, we should discuss with the clinical commissioning group and the chief executive of the Stroke Association.

As my hon. Friend the Member for Southend West acknowledged, that is actually what is happening with the transformation programme, which is why I understand the frustration of my hon. Friends. They will understand that it is impossible for me to comment on that in detail today due to the referral, but I give the guarantee that when the process has ended and the decisions have been made, all my hon. Friends—not only the three who are present, but others who are concerned—will of course be given sight of that recommendation and the chance to comment on it.

My hon. Friend the Member for Southend West has explained that he has a particular interest in transport. For the sake of clarity, it is important that I set out what has been agreed by the clinical commissioning group and what some of the alternative paths are, in response to the point made by my right hon. Friend the Member for Southend West and for referring the whole of the transformation programme, because the 10-year national stroke strategy came to the United Kingdom and a leading cause of disability. Although the 10-year national stroke strategy came to an end last year, a programme board was established in March 2018 to oversee the development of a new stroke plan. The fact that one has continued does not mean in any sense that the prioritisation has changed; indeed, that board is now chaired by NHS England’s medical director, Steve Powis, and by the chief executive of the Stroke Association.

To add to what my hon. Friend the Member for Southend West said about specific local issues, we should also mention the importance of the national context. I absolutely understand some of the issues that he raised, and he is right to say that changes, and the rationale for changes, should be clinician-led rather than politician-led. As my hon. Friend the Member for Rochford and Southend East acknowledged, that is actually what is happening with the transformation programme, which is why I understand the frustration of my hon. Friends. They would understand that it is impossible for me to comment on that in detail today due to the referral, but I give the guarantee that when the process has ended and the decisions have been made, all my hon. Friends—not only the three who are present, but others who are concerned—will of course be given sight of that recommendation and the chance to comment on it.

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My hon. Friend the Member for Southend West has explained that he has a particular interest in transport.
for Rayleigh and Wickford. On the transfer of patients, we all know that the CCGs have approved a treat-and-transfer model, whereby a small number of patients will receive initial treatment at their local A&E before being transferred to another hospital. Decisions on patient transfer will be made solely as clinical decisions and discussed with patients prior to transfer. Modelling by the CCG and clinicians suggests that, on average, 15 patients a day might be transferred from their A&E to a different site for clinical reasons and due to the proposed changes. It is a vital part of a joined-up service, especially where specialisation increases—the need for this may or may not increase. Like my right hon. Friend, the Member for Rayleigh and Wickford, I encourage hon. Members to continue to press this matter with the STP once it is resolved, because I think it is vital.

Mr Francois: The critical thing we need to know is who will provide the service. The obvious answer is the East of England Ambulance Service, but it faces serious resource and capacity challenges. It is difficult for us to support this plan wholeheartedly until we are given definitive answers. Who will provide the service, and how will it work in practice?

Mr Hammond: There are three answers to that: critical cases, non-critical cases and transport for patients’ families and carers. Let me start with non-emergency transfers, which at the moment are provided through patient transfer services, as my right hon. Friend knows. They are available in Southend when medical conditions are such that patients require the skills or support of staff on or after the journey. He is absolutely right to say that critical cases, or those that do not fit into the first category, are provided by the East of England Ambulance Service. He will not be surprised to learn that, even in my short time as Minister, I have already been made aware of some of the issues with that service. Nor will he be surprised to hear that the Department is working with the relevant authorities to ensure that standards and resources are made available to bring the service up to the expected standard, and that ambulance response standards are met.

On patients’ families and carers, I understand—my hon. Friend will know better than I do—that there is a joint CCG-local council transport working group. It has been exploring a number of options to make transport easier, including, I understand, the creation of a shuttle service between hospitals in Southend, Basildon and Broomfield. Key to that endeavour will be the volunteers who we spoke about earlier and the expansion of volunteering.

My hon. Friend the Member for Southend West spoke a little about cancer services, and he will understand that the proposed new model maintains Southend as the specialist cancer centre. He was right to make the point that it meets the two-week standard for GP referrals, and that more than 1,700 patients have been treated this year, but he is equally right to say that the length of waiting times is indeed high. I reassure him that we are absolutely committed, as a Government, to increasing the levels of early diagnosis, and that a comprehensive plan is in place to drive down those waiting times. He is right to have that concern, which I share.

My hon. Friend the Member for Southend West talked about the new model of stroke provision. He will know that the idea is for people to be seen initially at their local A&E, where thrombolysis treatment will be provided should it be required, and then there will be a transfer to a specialist stroke unit at Basildon, should that be necessary. That will be a clinician-led decision and based on the confirmation of stroke. That hyper-acute stroke unit would give patients, in that critical first 72-hour period, the intensive nursing and therapy support they need to have the best chance of recovery and the best outcomes. Basildon has been selected for the specialist centre because its stroke services are co-located with the vascular, interventional radiology and cardiology teams; it therefore makes sense to have the service there.

My hon. Friend the Member for Southend West raised the issue of the mobile stroke unit, and he is right to say that the trial is ongoing and not yet complete. I join him in thinking that this is really quite an exciting project. I look forward to seeing the results of the trial and the evaluation. We know that the project is separate from the STP, and therefore any decision to locate a permanent mobile stroke unit at Southend will be made at the local level, but I think the national implications of this trial will be exciting.

My hon. Friend the Member for Southend West said that he wanted to hear about future funding and whether there would be any delay. Any funding of course depends on local plans and on clinical support. I was going to read out a quote from Dr Paul Guyler just to reinforce the point that everything that is being done in this area is being led by clinicians, but as my hon. Friend has already made the point that Dr Guyler supports these things—his support is one of the drivers for the change—I will not delay us by reading that aloud. When a decision is made on a clinical basis, the Department and its arm’s length bodies are committed to ensuring that there is the investment available to deliver what is necessary and to make a real difference, but clearly that would depend on the plans and the outcome of the reconfiguration. My hon. Friend knows that I cannot say much about that now; none the less, I give him the commitment that I will speak to officials about this after the debate. If there is more to add at this stage, I will write to him and to my hon. Friends.

In the 30 seconds I have left, I want to say that this has been a short but fascinating debate. It shows that my hon. Friends recognise the contribution of professionals and what Southend Hospital does for their constituents. I appreciate that the potential changes to the local health services inspire impassioned debate—it is right that this is led by clinicians, and that the Government give it proper consideration.

Motion lapsed (Standing Order No. 10(6)).

11.30 am

Sitting suspended.
Shisha Lounges

Mrs Anne Main in the Chair

2.30 pm

Shabana Mahmood (Birmingham, Ladywood) (Lab): I beg to move.

That this House has considered reforming the regulation of shisha lounges.

It is a pleasure to serve under your chairmanship, Mrs Main. I am delighted to have secured this debate. In a week in which Ministers have been held in contempt of Parliament for the first time ever, and we have had ongoing and various crises related to the handling of Brexit, talking about the regulation of shisha premises might seem a little niche. I have found myself educating many colleagues about what shisha is and about the problems relating to shisha premises in the affected communities.

Central to this debate is how we as citizens navigate community life together, balancing the social and entertainment needs of some against the needs of residents, and whether we can take effective action when things go wrong. Residents affected by issues relating to shisha lounges, such as those in my constituency and other areas, are common in Birmingham, Preston, Manchester and many of our other core cities, can attest to the fact that, when things go wrong, they face the misery of noise nuisance, crime, antisocial behaviour and everything that goes with that. For them, this is definitely not a niche issue. It affects communities profoundly.

I should explain what shisha is and what form these premises take. Shisha, which is also known as a water pipe, hubble-bubble smoking or a hookah, is a way of smoking tobacco through a bowl and a pipe or a tube. The tobacco is often mixed with other flavours such as mint, coconut or pineapple—I have seen every variety going. The tobacco is burned, and then the vapour or smoke passes through a water basin before inhalation. It is a social activity; people do it in groups. It is not dissimilar to going out for a night at the cinema or any other kind of entertainment activity. People go out for a night of shisha smoking.

I am not exactly sure where shisha smoking originated, but it is common in parts of the middle east, Africa and Asia. In recent years it has become much more popular in the UK. I have been aware of shisha places in Birmingham for some years, but there has been a proliferation of establishments there over the past five years. It is a growing trend in our major cities. I have never smoked shisha or any kind of cigarette, and I cannot personally see the attraction of it, but many of my constituents, friends and acquaintances enjoy it as a night out and regularly go to a shisha lounge, bar or café.

These establishments are much more varied than might be assumed. One of the stereotypical assumptions about what shisha premises look like is that they are typically some sort of middle eastern café with a middle eastern food menu and décor that is indicative of some sort of middle eastern origin—almost tent-like. Certainly, some establishments fit that stereotype, but there are also many huge venues—swish, swanky establishments that are often spread out over a number of floors in buildings that may previously have been warehouses. They look and feel like any other major nightclub or similar attraction in a major city.

In my constituency and across Birmingham I have seen that the clientele of those establishments is much more cosmopolitan than might be assumed. It might be thought that this activity is primarily enjoyed by people from black and minority ethnic communities, but it is much wider. That is partly because some of those establishments do not sell alcohol—some do, but some do not—and make a virtue of offering an alcohol-free space for people who wish to enjoy it. That fills a gap in the market for young Muslims, in particular, who want to go out and have a good time just like anybody else, but want to be in an alcohol-free space. There has also been an increase in the number of 16 to 24-year-olds across all communities and social classes who do not drink alcohol. Entrepreneurial businessmen and women are trying to fill the demand in the market by opening up these types of venues, which do not serve alcohol but provide a night-time entertainment offer for different sections of the community.

Many shisha establishments serve food—food is a key part of their offer. Many double up as dessert places—another type of venue that has proliferated—where people can get milkshakes that contain three days’ worth of their recommended calorie intake and smoke shisha at the same time. Some are modest cafes and others are much more like nightclubs. Across Birmingham the number of establishments of various different forms has grown over the past few years.

As a Member of Parliament, a resident and a citizen of my city, I was aware that these venues were growing in popularity, but I had not come across the issues that affect local people when one opens up until I did a coffee morning in my constituency in the summer of 2016. I expected it to be a normal coffee morning, when the issues we would expect were raised, but every resident who came wanted to talk about the problems they were facing as a result of a shisha lounge opening directly opposite their small housing estate. It related to a shisha lounge called Arabian Nites, which has featured much in Birmingham news over the past few months.

The stories that my residents shared with me were horrendous. They said that a nightclub had opened directly opposite their houses, and they were powerless to do anything to stop the issues they faced as a result. Some residents had been attacked, and some had woken up to find patrons of the establishment urinating in their front gardens—in one case, as they were getting ready to take their children to school in the morning. The noise nuisance was so bad that they could never open their windows at night—not even in the peak heat of summer—and even with their windows shut the noise disturbance was pretty high. Parking became a total nightmare, and there was partying till the early hours.

People told me that their community had been ruined. One of the saddest things is that in that area there are lots of council housing tenants who have lived there for decades and are the absolute backbone of the local community. They have been there through thick and thin and have seen lots of changes to their community, but they love their community and the place where they live.

Afzal Khan (Manchester, Gorton) (Lab): I congratulate my hon. Friend on securing the debate. Does she agree that public awareness campaigns, such as one that
Manchester City Council launched recently, are crucial to raise awareness of the damaging health impacts of smoking shisha? In addition, we need effective licensing and enforcement to crack down on businesses that flout regulations on the sale of shisha. Just a week ago, Manchester Council seized 95 shisha pipes from one property—

Mrs Anne Main (in the Chair): Order. There is plenty of opportunity to make speeches, but interventions must be short. May I ask you to bring that remark to a close?

Afzal Khan: I will. Thank you, Mrs Main. It is more than 10 years since the smoking ban came into effect, yet businesses continue to flout the law—

Mrs Anne Main (in the Chair): Order.

Shabana Mahmood: I am grateful to my hon. Friend the Member for Manchester, Gorton (Afzal Khan) for his intervention. I know that a lot of work has been done in Manchester. I will come on to some of the public health issues. He is right to raise public health concerns. There are, of course, public health duties on local authorities, and the public health risks relating to shisha are not well understood and publicised. He is absolutely right that much more awareness is needed. I congratulate Manchester for the good work it has done in this area.

The common life of those residents and the community they created, which they love and have thrived in for all these years, was being ruined. Some of those stalwart residents—the absolute backbone of the community—told me that they wanted to leave and were desperate to move out. In fact, they most wanted my help with council housing transfers. I thought that was one of the saddest things, because those people are the lifeblood of the area. If they move out, we will lose something much more profound in the community. It was all because they simply could not tolerate the daily misery they were facing because of the shisha venue.

As people became more vocal with their complaints—I took up the issues and worked with the council and the police, who were doing their best to manage the fallout from the venue opening near my residents, and there was more media coverage in the Birmingham Post and the Birmingham Mail—residents became worried about reprisals from patrons of the venue. Suddenly, it became much more of a hot topic. Things then took a more serious and frightening turn, because gun violence and other serious crime was taking place. People were up in arms but also terrified. I was shocked that almost overnight a community could be ruined by a shisha place opening.

As the local Member of Parliament, I initially treated this as a policing matter. It is interesting that other parliamentarians and council leaders have tended to raise it with Home Office Ministers as a policing issue. I, too, talked to the police. We thought about having more policing patrols and possible interventions, but eventually I had to conclude that the law itself makes things complicated in this area. My thought was, “Just take away the shisha licence,” because that is the business model on which the premises are based—take it away and they will not have a business and will soon move on—but of course there is no licence for shisha.

In the case of Arabian Nites, it took a couple of serious incidents involving gun discharges—one discharge ricocheted and hit a passer-by—before the police could apply for a closure order under antisocial behaviour rules. Such closure orders are temporary and the one for Arabian Nites was for only three months. The venue has not reopened, but it is free to do so once it has met the new conditions.

Dr Roberta Blackman-Woods (City of Durham) (Lab): My hon. Friend is making a powerful speech. Does she agree that under the Licensing Act 2003 it should not be so difficult to get premises closed down for antisocial behaviour and other breaches of the legislation?

Shabana Mahmood: My hon. Friend, the shadow Minister, is absolutely right: the process is too difficult and onerous. I have a copy of the documentation put together at huge cost in time and resource by the police in support of the application for a closure order. It is more than 100 pages long—I was trying to print it before coming to the Chamber so that I could show it to everyone, but my printer broke—given the amount of work and number of witness statements required of police officers.

In the first case against Arabian Nites, the police did not get the closure order and had to apply a second time. Meanwhile, my residents—who live with that place directly opposite their homes are terrified of gun violence, of stepping outside late at night and even of taking their kids to the school around the corner. The regime is too onerous, and to rely simply on existing police powers is not good enough. I have nothing but praise, by the way, for the way in which the police have tried to engage with the issue. They have done their best with the avenues open to them.

In Birmingham, a total of three such establishments have been subject to closure orders. All three happen to be in my constituency: Arabian Nites, which I have mentioned; Cloud Nine, which was closed after the suspected sale of laughing gas to children as young as nine, and following breaches of fire safety and venue capacity limits; and the Emperors Lounge, which was closed after a murder was linked to the premises, but which has since reopened after a three-month closure order.

As the law stands, shisha smoking is subject to the ban on smoking in public places, alongside all other smoking in the UK—it is subject to the same rules. Shisha is a tobacco product, so it is subject to the same rules that apply to regular tobacco, in particular the ban on sales to those under 18. When it comes to licensing legislation, however, the Licensing Act covers only the sale of alcohol and certain forms of regulated entertainment. Shisha bars or lounges do not require a licence under regulation unless they sell alcohol or have other regulated entertainment under the 2003 Act.

Some establishments sell alcohol. Arabian Nites was selling alcohol, which was one of the bases on which the police and the council were eventually able to take action, but Cloud Nine and the Emperors Lounge did not have licences for the sale of alcohol, instead falling within the other regulated activities under the Licensing
Act. No single agency or piece of statutory legislation regulates shisha activities. If serious incidents occur—shootings or serious violence such as I have had in my constituency—the police may apply for the powers available to them under antisocial behaviour rules, such as a three-month closure order, as we have seen in Birmingham. However, that process takes a lot of time and effort.

Furthermore, many premises will fight their corner with what is available to them through the legal system. It is fair to say, too, that many will do whatever they can to frustrate the legal process, keeping the thing running for as long as possible in order to beat everyone down and evade the enforcement action being sought.

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Jake Berry): I would be interested to hear the hon. Lady develop what some are good, well made points about the Licensing Act. Obviously she will be fully cognisant of the fact that many shisha lounges are smaller businesses. These are businesses on which people, their families and their mortgages all rely, so the bar on closing them is often set relatively high. The police have an obligation to show that the business should be closed. How does she think that should be balanced with the argument that she is making?

Shabana Mahmood: I will develop that point. I absolutely acknowledge that shisha lounges are often small businesses, but a lot of the troubled premises are not the average small business. They are big venues and very lucrative—I have learnt a lot more about shisha than I ever anticipated when I first became a Member of Parliament—and the biggest establishments can afford to have personal appearances by celebrities. It is not unusual to find boxers or Instagram stars visiting such places, putting in a personal appearance in the same way as they might for a new nightclub or members’ club opening in any city across the country. There is a distinction to be drawn between the much smaller operations, which are more similar to a café with the added ability to offer shisha smoking to its patrons, and the big ones that are much more like nightclubs.

The legal tests in existing legislation are onerous, and there is a balance to be struck in ensuring that people can have a viable business and not be shut down on spurious grounds or unfairly. Police and council officers are cognisant of their legal responsibilities and do not want to drive away good businesses, but I believe them when they tell me, in my conversations with them, that some of the most troubled establishments employ high-powered lawyers and do everything they can to frustrate the process. That happens right at the beginning of the process, at the planning stage—they set up as a café or restaurant, and add other things as they go along, developing the shisha business. There are many ways around the system, as well as many gaps, which some individuals are keen to exploit, because this is a lucrative business.

In London, Westminster City Council in particular—I am pretty sure it is Westminster, so I hope I have got that right—has led work looking at tobacco duty, which often is not paid on imported shisha, so there are tax implications as well. I do not want to make out that these are all bad businesses—they are not—but where people flout rules and regulations, they do so in a considered and planned way. They know what they are doing, so it is right to weight the law and to make the thresholds in the legal process that have to be crossed more favourable to those premises, because then it goes wrong, as it did for the people of Highgate in my constituency, it is horrendous. It ruins lives and breaks communities, and that is too high a price for local residents to pay for the sake of the business needs of some of the shisha establishments.

In Birmingham, we have 37 premises, many of them concentrated in my constituency, but with some in other parts of the city. That is only the ones that we know about—37 premises known to Birmingham City Council. With no specific licence requirement for shisha, many places open without any recourse to any of the authorities whatever. As I said, the numbers have grown rapidly. The highest concentrations of shisha premises are found in the London boroughs of Westminster, Ealing and Brent, while Birmingham has the highest concentration outside of London.

The statutory provisions around fire risk, indoor smoking, the sale of tobacco to minors and the non-payment of tobacco duty, which I mentioned, are regularly frustrated. The sanctions available under tobacco-related laws are not acting as a deterrent. That is certainly our experience in Birmingham.

The fire risks are considerable. In Birmingham alone, we have had six major fires over the last five years. That is not surprising when one drills down into the situation, because within those premises there is a high number of ignition sources, combustible material and often low staff awareness of fire safety, and some of the venues are situated in hard to get to places, or are big and spread out over a number of floors, which poses a risk in and of itself. A business sector that is relatively small in number suffering six big fires in a five-year period is indicative of a much wider problem. Other local authorities are also greatly concerned about the fire risks.

Something that I thought about when drilling down into the issue—the Minister might raise this himself—was whether it was simply a case of the different agencies not working effectively together. Could it be that although the law, annoyingly, is not all neatly in one place and the powers are spread across different Acts of Parliament, it can be used creatively and effectively to bring the problem under control? After two years of dealing with these issues, I can say that it is not a case of the agencies not coming together. I have seen nothing but good practice at Birmingham City Council, and I pay tribute to Janet Bradley, who has taken the lead on shisha issues, and all of her team there. They have worked with all the other teams across the council, they have worked with partner agencies and they have worked very closely with the police, to whom I also pay tribute for all their work, particularly on getting closure orders.

That is the case not just in Birmingham. Westminster City Council, too, has published a strategy, held a symposium, and got everybody with any interest, whether public health, fire safety, or policing—the whole picture—into a room together to create a strategy for them to deal with the problem as far as the law currently allows. Brent Council either won an award or was shortlisted for one for its work in preparing its strategy. In the Commons debate pack produced by the Library, there was an article that I had not seen before, in which Brent Council’s leader, who wrote to the Home Secretary
about the problem in 2017, called some of the shisha establishments in Brent “lawless” places that attracted drug-dealing and sex-trafficking. It is not for want of trying by different local authorities run by different political parties, where people have tried to grasp the issue and find a way to cut through and get enforcement action quickly and effectively, but no matter how much good work is done, in truth it takes a disproportionate amount of time to take action with the available powers and resources.

The time has come to enhance the legislative framework surrounding shisha premises and, I believe, institute a licensing regime specifically for shisha premises. That would allow local authorities to license shisha premises to operate in their area and make it illegal for a shisha premises to operate unless it was licensed. It is important to go after the shisha aspect of the entertainment offer of those premises, because that is the basis on which the business model operates. Those venues are not interested in being your average café or restaurant. The shisha is key. It is lucrative. It is absolutely essential to the business model. That activity, rather than anything else that might be included and covered by licensing regulations, needs to be licensed now.

The first aim of the licensing regime would be to reduce the detrimental impact on communities; that must be at the heart of any such regime’s objectives. It must ensure that premises do not cause a public nuisance, along with all the other crime and disorder issues that I have highlighted. There is also space for the raising of hygiene standards and for safeguarding policies to restrict the admission of under-18s. That is not something that I have focused on particularly in my work in Birmingham, but I often see college-age students—under-18s—going to those venues, and it is pointless to have age limits in law if they are openly flouted in that way. A licensing regime would give us the opportunity to put those policies in place.

We need to have sanctions for non-compliance that cannot be frustrated by the company changing name, which often happens. Even when we do have absolute clarity on the ownership and management of the business there are problems. For example, when the police obtained closure orders for the three venues in my constituency, it was normal, when they or council officers turned up, for people who clearly worked in those establishments to say that they did not work there and did not know who the owner was. Many of the venues do not even have a postal address because, like some other problem night-time economy venues, they evade postal contact. That sounds like a small issue, but it frustrates council officers’ or police officers’ ability to contact those responsible when trying to fulfil their legal duties, and from day one, that stops them taking effective action.

Following discussions with officers at Birmingham City Council and others, I conclude that there are three ways in which we could pursue a licensing regime for shisha premises. The best and most workable solution would be to make an amendment to the Local Government (Miscellaneous Provisions) Act 1982, which would simply state that we are going to control shisha premises. That amendment should provide for an adoptive licensing regime that gives flexibility to local authorities, so that they can set local controls to deal with the issues that they face in their areas. That is important because problems take different forms according to the locality in which the shisha lounge is located. On Edgware Road, for example, problems in connection with shisha premises are of the same order but play out slightly differently from those in Highgate, in my constituency. An adoptive regime that gives flexibility to local authorities is the best way forward, taking a similar approach to that which has been taken on sex entertainment venues. That gives local authorities powers to set local controls and, in doing so, puts local people back in the game and gives them a say on what happens in their local area. I believe that is the change that best lends itself to a licensing regime for shisha premises.

Many of the standard terms that apply in other licensing regimes would be easily transferable to a shisha regime, which would comprise all of the standard enforcement actions that flow from licensing regimes. The key ultimate power would be the ability to revoke a business’s licence and thereby put it out of business, rather than providing an opportunity for it to come back in some other shape or form.

If we do not go down the road of an amendment to the 1982 Act, there are two other ways in which I and others consider that a change might be made. Another way of trying to control shisha premises is to strengthen the current provisions of the Health Act 2006 and the Smoke-free (Premises and Enforcement) Regulations 2006. Current regulations stipulate how enclosed a space has to be in order to comply with the legislation. Obviously, there must be proper ventilation and so on. Some premises earning good money can install a retractable roof. When somebody goes to conduct a check, the roof is off so it looks like there is adequate ventilation, as required under the regulations. The roof, of course, goes straight back on as soon as the officer has left the building, because offering shisha outdoors, in the cold weather or in the rain, will massively affect the business model. It is not tenable to assume that the 2006 regulations are being regularly complied with in some of those establishments. We could try to find a way around that but, in the end, I concluded that trying to draft something that closes all the loopholes in the legislation and covers in ways some problematic shisha premises operate would not achieve the desired effect.

I also considered whether it would be possible to reach an agreement on an interpretation of the local government declaration on tobacco, for local authorities with public health duties. An interpretation could be added that councils cannot allow any kind of licence for businesses with a model that gains money from people smoking. The public health duty is to try to reduce the risk of harm from smoking. I am not an official draftswoman, but I did not think that would work. I played around with two other possibilities before deciding that the 1982 Act is the way forward.

Following advice from Janet Bradley and the officer team at Birmingham City Council, and having consulted other local authorities that face this issue, I concluded that the cleanest and most effective way of dealing with the problem is to adopt a licensing regime under the 1982 Act. I would be delighted if the Minister stood up and said, “Yes, you’re absolutely right. We will get on this straightaway.” If that does not happen, I would like him and his officials to have an open mind about the licensing regime and at least to commit to exploring what changes under the 1982 Act might look like. There is a wealth of experience across local government and
from other parliamentarians in this House—some colleagues are waiting to speak in the Brexit debate in the main Chamber and could not be here—that the Minister could draw on, which hopefully will convince him that there is a problem that needs a solution, and that this is the best solution on offer.

Following the point made by my hon. Friend the Member for Manchester, Gorton about public health, shisha smoking is as harmful as normal tobacco smoking, if not more so. People still think that the smoke is much less harmful because it goes through the water filtration system before being inhaled. The World Health Organisation and other organisations that have researched this are clear: in one hour on a shisha pipe, a person can take in as much tobacco as if they had smoked 100 cigarettes. The health implications of large numbers of our population smoking shisha on a regular basis cannot be underestimated.

Local authorities have a public health duty. Places such as Manchester, Westminster and Birmingham are trying to do what they can to raise awareness of the public health implications of shisha, but piecemeal work by good people in good local authorities is not the way forward. The work should be led at ministerial level, at least to convene a roundtable to get the right people in the room, to think about how we might do more together through central Government and to raise awareness of the harm of shisha smoking.

We are storing up future public health problems for ourselves. I would be grateful if the Minister shared his thoughts on that. My absolute ask, as I have said throughout my speech, is for a licensing regime for shisha. The residents in my community have suffered greatly because of the gaps in the current system. It has taken us too long to get temporary action. That is not good enough. My residents deserve better. A licensing regime is the best way to deal with the problem once and for all.

3.4 pm

**Alison Thewliss** (Glasgow Central) (SNP): We seem to have a surfeit of time, so if you want to call other anyone else to speak, Mrs Main, that is fine.

I thank the hon. Member for Birmingham, Ladywood (Shabana Mahmood) for securing this debate on an issue of great importance to her constituents that has wider implications for us all, regardless of the part of the UK we represent. I should say that my voice is going, but not because I have been researching for this debate—it disappeared overnight but I will do my best to say what I can before it gives way.

There are a number of shisha bars in Glasgow. We counted them up in the office and think there are eight, six of which are in my constituency. We even picked up word that there is a shisha-on-wheels delivery service. I am not quite sure where that would fit in current legislation in Scotland or in the UK. It is clear that this is a grey area and that more needs to be done. Where there are smoke and mirrors, literally, there is potential for criminal enterprise and issues with building regulations, enforcement and the source of the tobacco, which may enter the country illicitly. A friend, Qasim Hanif, raised a concern that the tobacco is poor quality and does not comply with regulations, which causes health issues additional to those the hon. Member for Birmingham, Ladywood set out.

Glasgow adopted the Scottish Government’s smoking ban in 2006, and it has been spectacularly well complied with ever since. More than 10 years on, it is unthinkable that people used to smoke cigarettes in bars, restaurants, buses, theatres and cinemas. We have moved on so dramatically from that. The outlier of the regulation has been shisha bars. In December 2012 a shisha bar in my constituency was the first to be prosecuted for flouting the smoking ban. Even now, I hear worrying reports of underground shisha bars without the appropriate ventilation or fire safety measures. The hon. Lady mentioned that the fire risk is quite significant.

A local councillor in my area, Stephen Dornan, recently objected to a shisha bar in Tradeston due to the antisocial behaviour associated with the premises, although the majority of those in my constituency are in industrial areas rather than residential areas. If that changed and they became more commonplace in residential areas in the city, we may well see more of the antisocial behaviour that the hon. Lady outlined. In a broadly industrial area there might not be the same number of complaints as in a community area, as she described.

**Jim Shannon** (Strangford) (DUP): I congratulate the hon. Member for Birmingham, Ladywood (Shabana Mahmood) on securing this debate. I apologise for not being here earlier; I had a meeting with the Fisheries Minister and could not get back in time. The social issues are important, but so are the health issues that the hon. Lady referred to. Shisha is becoming increasingly popular in all sections of the community. Although I do not have a shisha lounge in my constituency, there are some indications that they are popular among young people. Smokers usually range between 18 and 55 years old, but shisha lounge users are in their 20s. Does the hon. Member for Glasgow Central (Alison Thewliss) agree that it is imperative to have a regulation in place to ensure that the younger generation, who think it is a herbal supplement and perfectly healthy, are in a safe and regulated environment?

**Alison Thewliss**: I agree with the hon. Gentleman. I am glad to see him here because we missed him very much in the Adjournment debate last night. I was going to send out a search party to see where he had disappeared to.

Shisha bars are gaining popularity among young people who do not drink alcohol, either by choice or because of their religion. There is clearly some demand for that type of space where no alcohol is served, because the options in many towns and cities are pretty limited. If people want to go out, they are obliged to be in a place where alcohol is being sold and drunk, but that is not necessarily appropriate for everyone. There is a balance to be struck between the social good, where people can come together in an environment where there is no alcohol, and the harm from smoking shishas that the hon. Gentleman points out.

The perception that smoking shisha is cleaner and better than smoking cigarettes is a very dangerous myth, particularly for young people. The hon. Member for Birmingham, Ladywood pointed out that one session on a shisha can be as bad as smoking 100 cigarettes. That is quite stark. That information needs to be out there and well known. If the Government did more to promote the public health message, that
might be useful for many of our communities. The tobacco is usually fruit flavoured and slightly different from cigarettes, which can offer a false sense of security that it is not as bad for you, but smoking it doubles the risk of lung cancer and respiratory illness. It also contains all the factors that we know are harmful about tobacco and it is addictive. Because of the way that shisha is consumed, people take other chemicals into their lungs from the heating and burning process. It can be more harmful than smoking.

In Scotland, business owners need to be licensed to sell tobacco, including shisha tobacco. That does not apply in the rest of the UK, so businesses selling tobacco must be on the Scottish tobacco retailers register. Those found to be flouting the rules by selling tobacco without a licence can face a £20,000 fine. Such legislation is useful. Glasgow City Council has also done some work on this issue and reported on the enforcement of smoke-free legislation and initiatives. It had a specific shisha initiative to look at the issue within the city because it appreciated that the problem was growing and had perhaps simply grown organically.

The council visited different premises and held discussions with owners and environmental health officers, who conducted some of the enforcement initiatives with Police Scotland. They visited premises where persistent non-compliance had been noted, but the premises changed hands quite quickly afterwards. Such action makes enforcement difficult. As the hon. Lady pointed out, it can also mean greater cost to the police and local authorities. Because the regime is not quite there, the costs fall to environmental health and the police to take enforcement action. As we know, local authorities face great restrictions on their ability to do additional work.

We need to look more widely. Some of the engagement did lead to some better practice and improved things. Ventilation was considered. That engagement led to better reconstruction of premises and how they facilitate premises design that does not flout the legislation and supports the smoke-free legislation in Scotland, so there has been some positive engagement with enforcement action and we should take the positives from that.

More could be done to tackle the cultural attitudes towards smoking shisha. Although cigarette packets display warnings and graphic images, no similar branding regulations apply to selling shisha products. In fact, the opposite applies. The bars are glamorous and the surroundings luxurious. They are promoted in the same way as pubs—“Come and watch the football and smoke some shisha.” We need to think about how that is becoming more glamorised and tackle it with proper enforcement action and public health information. I urge the Minister to work with the Scottish Government on this matter, because good practice could be shared in a relatively small area of policy. We should see what more we could do together to get the public health message out there and make sure that people know what they are getting into when they smoke shisha.

Dr Roberta Blackman-Woods (City of Durham) (Lab): It is a pleasure to serve under your chairmanship, Mrs Main. I thank my hon. Friend the Member for Birmingham, Ladywood (Shabana Mahmood) for securing the debate. She has done the House a real service because a lot of us, even though we know something about licensing, were unaware of the issue. I hope that when we hear from the Minister we will be able to chart a way forward. From the briefing that my hon. Friend kindly sent to us all, I was struck by how big the issue is, and is becoming more so, particularly in our urban areas. The figures she provided on the growth of shisha premises were stark: from three in Birmingham in 2007 to 28 in 2018, with more planned. The issue is obviously growing and needs to be addressed.

From listening to my hon. Friend’s speech and looking at the issue, I thought there were perhaps two separate issues that we need to address. The first is the appropriateness and effectiveness of the Licensing Act 2003, and then there is getting licensing legislation that is specific to shisha lounges. I want to look at the first issue for a moment, because I managed to read the 100 pages of documentation online about the Arabian Nites shisha lounge. I saw for myself how difficult it was for authorities in Birmingham, including the police, to get it shut down, even when there were major firearms offences, and that was really worrying. Presumably the lounge had a licence to sell alcohol and for late-night music that was covered under the 2003 Act, but lots of probably criminal activities went on. We might associate some of the antisocial behaviour recorded at the club with a nightclub that had got out of control. There were fire safety concerns, smoking indoors, antisocial behaviour, noise, litter, non-payment of tobacco duty and underage sales, as well as other non-compliant activities.

Interestingly, the Minister raised a point about not putting local businesses out of business. Of course, none of us would want to do that if they are properly managed, are compliant with legislation, are not causing a public nuisance and are not a hazard to public safety. The one voice that we have not heard enough of in this debate, except for what my hon. Friend said, is the voice of the local community, who find the Licensing Act very hard to challenge. The police had to go through a difficult court case. It took days and days to gather evidence to get the premises that had breached so many laws closed down. It is not clear yet whether the premises cannot simply open again under another name, which I know has happened in several areas. So the first issue that I wish to put on the Minister’s agenda—I will come back to it in a minute or two—is the appropriateness and effectiveness of the Licensing Act.

The second issue, and the major substance of my hon. Friend’s concerns, is that there is no specific licensing scheme that applies to shisha lounges, especially the ones—most of them—that do not serve alcohol. Where licensing seems to fit, as she rightly pointed out, is through what I think could be an addition to the Local Government (Miscellaneous Provisions) Act 1982 by simply adding a new schedule to the Act that would cover shisha lounges. The purpose of the Act is to enable local authorities to regulate certain types of activity in their areas. The schedules currently cover sex establishments, street traders, refreshment premises, tattoo parlours, ear piercers and so on. I had a look at Birmingham City Council’s website and Durham Council’s website to see exactly what the system entails. Generally speaking, it is straightforward and the website is clear about what people have to do. I looked at tattooing and Durham’s website clearly states:
“Applicants will need to ensure that their procedures, equipment and facilities comply with local bylaws—safe, hygienic, prevent the spread of disease, and comply with the duty of care required by the Health and Safety at Work etc Act 1974.”

Also, they are inspected to ensure that they are fire-safety compliant. So we have a useful piece of legislation and it would not take the Minister or his team a great deal of effort to introduce an amendment to the Act and simply add a new schedule. What is interesting and relevant about schedules is the fact that they are specific to the type of activity being regulated. I hope the Minister will think about that.

It seems to me that, specifically with regard to shisha lounges, hygiene standards could be raised and safeguarding work could be done. There are sanctions for non-compliance and there is clarity on ownership and management. That can be a real problem not only with shisha lounges, but with nightclubs and activities that fall under the 2003 Act. Clear sanctions can be highlighted for a breach of tobacco control regulations and public health legislation, and I hope that the Minister will consider that.

I have a couple of additional points to raise, in relation to the planning regime. We need to think about how planning could be used for better regulation, particularly with respect to the number of shisha establishments in an area—because they do not get planning permission as shisha establishments. Generally, they get it as a restaurant or café, and the shisha activity is an add-on. That creates an issue for the planning system, and we may need to consider a use class that will specifically address shisha lounges. There is also an issue with regard to arguing that there is a cumulative impact from establishments in an area. Usually, cumulative impact applies to premises that fall under the Licensing Act 2003 rather than those covered by the 1982 Act. Building regulations are also relevant—in particular, the enforcement of regulations on fire safety and controlling the numbers attending premises. Because of cuts, many local authorities find it difficult to employ enforcement officers.

Obviously we need to address the issues to do with shisha lounges. My hon. Friend the Member for Birmingham, Ladywood is right: an amendment to the Act would do it. However, we need an overall review of the Licensing Act 2003, to test whether it is still fit for purpose. The experience of many Members of Parliament is that residents find it too difficult under the 2003 Act to get premises closed, to stop proliferation of premises, and to stop premises’ opening times getting later—or earlier in the morning. I am not quite sure which way round to put that. There is a good opportunity for the Minister to put his stamp on some new and, hopefully, effective legislation.

3.22 pm

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Jake Berry): It is a great pleasure to serve under your chairmanship, Mrs Main. I congratulate the hon. Member for Birmingham, Ladywood (Shabana Mahmood), whose constructive approach to the debate has engaged those on both the Opposition and the Government Front Benches. Her speech showed her passion for supporting her constituents and ensured that, rather than having a political argument—the issue is probably above politics—we have engaged in a constructive discussion about what we can and should do, and how people can work together to achieve something. I intend to follow the same constructive approach in my response to the debate.

I am a bit of a libertarian, so I am not necessarily always in favour of introducing new licences or imposing new requirements on business. The hon. Lady said that some of her constituents like going to shisha bars. Funnily enough, I was talking to a reporter on my local radio today about the Lancashire Telegraph, which covers Blackburn—just over the border from my constituency—where there are some shisha bars. Most of them are well run and managed, and I know that the hon. Lady will confirm that in relation to her constituency. Many are smaller businesses, and often family businesses. They provide people with a living.

Today’s debate is important, because the prevalence of shisha bars is something new for Britain and our society, and my Department of course is responsible for communities. It is exciting that there are new ways for people to relax that do not necessarily involve alcohol. When such changes happen in Blackburn, Manchester, London, Birmingham and elsewhere, we must look at the law and see whether it covers the current situation. I suppose the question we should ask is: what response to a new activity would be proportionate?

The law currently governs many of the spaces in question, but I accept the hon. Lady’s point about the complexity of the law and the need for multi-agency working. Many of the relevant provisions will be in planning legislation, including on such matters as the construction of ventilation and outdoor seating areas. There is a requirement to license outdoor seating areas. Environmental health will have a role and, of course, some of the more serious crimes that the hon. Lady mentioned must be dealt with by the police. We cannot expect—I know she is not asking for this—local authorities to control the most serious associated gun and gang violence through licensing law. Whatever we do—even if we bring forward a new licensing regime—we must not lose multi-agency working.

There are, of course, already severe sanctions for breaching the existing regulations and laws, including one of up to £2,500 for breaching the smoking ban, as has been mentioned. Antisocial behaviour closure notices provide the opportunity to close businesses, as we heard with respect to Arabian Nites—although the process the hon. Lady described was quite difficult. On that specific case, it is worth noting that obviously a licensing regime will not be a silver bullet. The venue was licensed and therefore was subject to existing licensing laws—particularly for alcohol. The hon. Member for City of Durham (Dr Blackman-Woods), speaking for the Opposition, said that it would require days of work by enforcement bodies, including the police, to reach the point where the licence would be removed. I suggest that under a new licensing regime where places were licensed for shisha rather than alcohol—or where there was joint licensing—it would still require days of work to prove that licences had been breached. Often the people running the businesses, as the hon. Member for Birmingham, Ladywood pointed out, rely on them for their living.

Jim Shannon: Would it be possible to regulate the businesses under council entertainment licences? Residents living close by who had concerns about antisocial behaviour
or anything else could, through the application process, have input into whether a licence was granted. That would perhaps give control to the community.

Jake Berry: I am extremely grateful for that intervention, which draws me on to my next point. When we acknowledge that something new may have problems attached to it, we should next ask ourselves whether a national or local response would be better. I want to consider what can be done through existing local authority powers, whether through entertainment licences or by engaging in collaborative working. As has been identified, at the moment shisha bars tend to be in concentrated areas across England, but perhaps a national response is not the best one. I shall certainly ask my officials to look at the best practice that has been adopted in Manchester and Westminster. Whatever the outcome of the debate, we can probably all learn from that. Where local authorities have identified shisha bars as an issue for their area, or even a benefit, it would be worth their talking to each other and working together. I am sure there is best practice to be shared.

Shabana Mahmood: From the work that I have done, and from engaging with Birmingham City Council, I know that council officers who deal with shisha issues in local authorities where it is a problem are already in contact with one another. They know each other well and get together regularly to share best practice, so it happens already. I appreciate what the Minister has said so far. I guess what I was explaining from my experience, which I hope has been noted a bit more than the Minister's speech has signalled, is that the current rules have too many gaps. Unless there is alcohol, nothing can be done. It is too difficult to get action where there is a licence for alcohol, but if there is no alcohol licence it still takes too long. Of the three shisha bars in my constituency that were closed, two did not have licences for alcohol. I hope that he will reflect on that.

Jake Berry: I am not sure I accept that if a premises does not sell alcohol nothing can be done, and I referred earlier to a plethora of powers that are available to the multi-agencies, particularly local authorities. I accept that this is a new issue, and I applaud the collaborative work being undertaken by local authorities, because it is worth them exploring what they can do. The real challenge, however, is enforcement. The hon. Member for City of Durham mentioned the inability of council officers to go around with clipboards enforcing the rules, and the hon. Member for Birmingham, Ladywood identified the issue of protractible roofs, which are rolled open in mid-summer when environmental health officers visit, but closed as soon as they have left. There are certainly challenges regarding the enforcement of existing powers, which is something we should address.

Dr Blackman-Woods: I mentioned the need for enforcement after breaches of the Licensing Act 2003 and the 1982 Act, but no one should think that I believe enforcement to be the answer—I do not. I think that there is a gap in the legislation, and Opposition Members understand clearly how to address it.

Jake Berry: Again—hon. Members are being helpful to me today—that brings me to my next point. We have been considering whether a local or national response is best, and if at the end of that evidence trail a national response is appropriate, my mind is not closed to that. As I said, however, there is no silver bullet, and some issues that have arisen are serious criminal offences that would not be covered by any licence—illegally held firearms are not subject to a licensing regime, so we must be careful to have a good look at that issue.

That brings me to my offer to the hon. Member for Birmingham, Ladywood, because her idea about a roundtable is extremely good. I happily invite her to come and meet me and officials, together with council officers who have real expertise in this area, and we as a Department should start that dialogue about how we can help and what would be an appropriate national response, if indeed one is required. The bar for closing someone’s business should be quite high, as should the bar for a national response when many powers already rest with local authorities. I have not closed my mind to the fact that there should perhaps be a national response, but a lot of work must take place before we get there. I hope that is helpful.

The hon. Lady spoke about shisha bars being an add-on to many cafes and restaurants, and that is something we have identified. In my high street, the local coffee shop is also a bookshop—I am rather keen on books, so I go there quite a lot. In the evening it is also a yoga studio, but I am not quite as keen on yoga and cannot admit to having done it. The multi-use of retail premises was one thing identified by our future high street forum, and particularly the work of Sir John Timpson, who advises the Government on future high street policy. We are lucky that he is doing that as he is one of Britain’s most experienced and longest serving retailers.

As an acknowledgment of the challenges posed by a relatively static use class order system that dates from the 1980s, on the same day as the most recent Budget we launched a consultation on the future of that system on the high street, although not more widely for industrial units. That consultation remains open, and I recommend that the hon. Lady, her council and the hon. Member for City of Durham take part. Again, we have approached this in a very open way, and in the first potential major refresh of use class orders since the mid-1980s, it is important to ensure that the static system becomes more mobile and reflects changes such as the arrival of shisha bars on our high street.

Finally, the prevalence and growth of shisha bars is the sort of thing we try to encourage for our future high street forum, as long as they are legal, well run and do not impede unnecessarily on local residents. The future of the high street must be about a mix of leisure and retail, and all recent reports—including by Sir John Timpson on the Government’s future high street forum, and the Grimsey review—identify that if high streets are not just to survive but to thrive, they must incorporate the night-time economy.

We must get the regulation right and be satisfied that existing laws are enforced well, and if we decide that new regulation is required, we should consider that. A thriving night-time economy is key to the future of our high streets. Indeed, that point is not just for today, because in the most recent Budget my right hon. Friend the Chancellor identified a £600 million-plus fund for the future high street. We have the future high street forum,
and I will conclude my remarks by again thanking Sir John Timpson for his extraordinary work on high streets, which will benefit the entire United Kingdom.

3.35 pm

Shabana Mahmood: I thank all hon. Members who have contributed to the debate, as well as the Minister for not closing his mind to the idea of a national-level response and a new licensing regime for shisha bars. I take on board what he says about requiring a high threshold to be passed before somebody’s business can be closed. Members of my family, and my friends and constituents who go to well-run shisha places and have a nice time out, will not thank me for getting their lovely venue, which they enjoy, shut down. I am not a killjoy and I am not trying to get rid of good businesses and establishments; my concern is focused on where things go wrong, and at the moment I cannot accept that we have what is needed to head off such problems before they start affecting residents in the way that many in my community have been affected. I take on board what the Minister said about thresholds that must be crossed, and we must ensure that we have fully considered all the measures currently available. I hope that on further reflection, and given that he does not have a closed mind on the matter, I will be able to persuade him and his colleagues that a licensing regime is necessary.

Normal nightclubs can become troubled premises because they attract the attention of gangs or protection rackets—we know those things happen. I take on board the Minister’s point that there is no silver bullet, but there is a whole world of activity before we get to the serious end of the spectrum that a licensing regime could take into account. I will certainly take up the Minister’s offer of a roundtable, particularly by engaging with council officials from across the country who have a wealth of knowledge on these matters.

Jake Berry: I am sorry to intervene on the hon. Lady, but it is important that that roundtable includes representatives from the Scottish Government, because they need a separate legislative response for the solutions suggested.

Mrs Anne Main (in the Chair): I thank the Minister for that clarity and hope that the hon. Lady is concluding her remarks.

Shabana Mahmood: I am, Mrs Main. I am not an expert on how these matters play out in devolved Administrations, but they obviously need a voice because they face different regimes. I will take up the Minister’s offer, and I hope we will get to have greater knowledge about shisha establishments, the impact they can have and how best they can be regulated.

Question put and agreed to.

Resolved,

That this House has considered reforming the regulation of shisha lounges.

3.38 pm

Sitting suspended.

Affordable Credit for People on Low Incomes

[SIR DAVID CRAUSBY in the Chair]
the repayment is over three months, Provident wants £429 back at an annual interest rate equivalent to 1.557.7%. That is just one example. Constituents borrowing £350 and paying it back over 12 months have to pay back £655.20.

Jim Shannon (Strangford) (DUP): I commend the right hon. Gentleman for all the hard work he does and the high regard in which he is held in this House when it comes to poverty issues for people across the whole of the United Kingdom of Great Britain and Northern Ireland, not just in Birkenhead. I thank him for that. Does he agree that there must be a viable alternative to the payday loans he is referring to? Could the credit union, which is growing in my constituency and has been extremely helpful to people on low incomes, be the safe and regulated alternative, bearing in mind that it encourages responsible lending and responsible saving hand in hand?

Frank Field: I totally agree with that. I suggest that there is no silver bullet. Clearly, credit unions have a part to play, but they are not as thriving in Birkenhead as they are in others parts of the country. Therefore, we need a whole strategy of policies, so that the geographical chance of life neither protects people nor leaves them vulnerable and unprotected. If someone has a really good, strong credit union and they are a member of it, that is good news, but if there is no credit union, or if their pattern of behaviour does not easily fit into what the credit union requires, it is difficult for them. I want to draw the Minister on that later in the debate.

The leaflets that are now going out in our constituencies claim that there are no late payment fees. I am pleased to be able to say that, unlike other companies that lend people money when they are extremely vulnerable, there is no evidence at all that the people coming for repayment come with baseball bats to enforce that repayment. But of course, Provident has another strategy, so it does not have to do that. To use another example, one of the volunteers in the Feeding Birkenhead network tells us that one of her friends who got close to paying off her debt with Provident was immediately offered another loan. If someone has problems repaying, they are offered other loans, so the loans mount up and become very substantial, and if they are towards the end, Provident tries to make it part of their working-class economy that they should have loans, by suggesting that they should take another loan.

I thought that, before I come to what I would like to see as part of the Government's strategy, I would talk about the hard sell. One mother went on to the website and feeding those children. They ended up having to pay back a few pennies less than £500. We have also seen the Scarlet Pimpernel effect in Birkenhead. If someone google loans, Google throws up in the first instance those loan companies that are likely to cost them the most to borrow from. Will the Minister look at whether there is a case for saying that Google should display what we could all agree are the best companies to deal with, not those with the highest charges?

James Cartlidge: I very much enjoyed serving, up to the time of the general election, on the Select Committee chaired by the right hon. Gentleman. He has great passion in this area and has just made a really interesting point. What would concern me about online advertising is this. Probably these companies are simply purchasing through the Google Ads algorithm; I imagine that there is very little way for them to have the sort of control described, but it is an extremely good point that the companies charging the most interest will have the biggest budgets to pay for Google ads and so on, which almost inevitably means that they will come near the top. We should look at that; it is a very good point.

Frank Field: That is a really good point, and the Minister is nodding, so I know that we are going to get action on it. I am immensely grateful for that intervention.

Let me take another website—Doorstep Loans in Birkenhead. It aims specifically at single parents. It says, “We understand your position. We can help you through a loan.” It says to those who are unemployed, “We understand your position and the particular problems you have. What about a loan from us to help there?” It says to those with a bad credit score, “What about a loan to you?”, knowing that they cannot get one from elsewhere. Those with disabilities are also lined up for special treatment.

Let me switch to Leicester, which has also given us some information. One pensioner took out a loan to help to buy Christmas presents. She is now repaying £100 a month for that loan. That is hardly a good special treatment.

Putting fires out is part of the Minister’s job, but so is thinking creatively about the future, as he has always done on Feeding Birkenhead, so may I put before him the idea of a citizens’ bank? It would not be a silver bullet; it would be part of many other things. If we had asked poor people to help to design universal credit, none of them would have said, “I work to a five-week month or a four-week month for payments.” They would have said, “This benefit needs to be designed for me, which means daily payment or weekly payment.” I very much hope that we could take things a stage further and include poor people in designing the bank, so that it would be a bank that they wanted. I hope that we can pick up the hon. Gentleman’s idea, which was in
the Budget, about interest-free loans. I hope that we could sign up the Department for Work and Pensions so that users of the bank would make agreements for loans that they paid back in a manageable way—paid back, with their agreement, from benefit—so that there would be a minimum element of bad debt.

As we all know, Wonga said that it had to charge 5,000% because of the bad loans that it had. It had many bad loans precisely because it was charging 5,000%. I think that if we could eliminate from the system people who cannot pay and the few who will not pay, we would have a very different, and viable, model. My plea to the Minister today is this. Might people who are interested be able to come and talk to him further on the idea that I have described? Might we also not exempt the banks from their responsibilities? Many of my constituents have problems because of the way that the banks behave. The situation is pretty bad: the banks give large sums of money—thank God—to their foundations, and those foundations give out money to projects to undo some of the damage that the banks themselves cause. I therefore hope that this is the opening of another chapter on how we get decent banking systems that fit the moral economy of life for working-class people, rather than roughing them up.

Several hon. Members rose—

Sir David Crausby (in the Chair): Order. It is not normal, in a half-hour debate, for hon. Members to speak unless they have sought the permission of the mover of the motion and the Minister. Is the Minister happy for other Members to speak at this point?

The Economic Secretary to the Treasury (John Glen): Yes, as long as I have a bit of time.

Sir David Crausby (in the Chair): In that case, I call Faisal Rashid.

4.14 pm

Faisal Rashid (Warrington South) (Lab): Thank you, Sir David. I also thank my right hon. Friend the Member for Birkenhead (Frank Field) for securing this debate to highlight some of the appalling and exploitative lending practices that target many of the most vulnerable people in our society.

Despite the welcome demise of big payday lenders such as Wonga, people without enough to get by remain over-exposed to manipulative lending practices. A leading debt charity found that an estimated 1.4 million people used high-cost credit for everyday household costs in 2017; the figure was up from 1.1 million in 2016. High-cost credit keeps many trapped in a vicious cycle of indebtedness just to make ends meet. It is a scandal that those who are least able to afford it are left with no choice other than to accept the highest lending rates.

With in-work poverty on the rise, the Government must do more to reform the broken credit model and tackle the persistent debt spiral into which many working families have fallen. As I have witnessed in my constituency of Warrington South, credit unions constitute a commendable community initiative that seeks to prevent other people from falling into the trap of high-cost borrowing; but without substantial Government support, such alternatives struggle to address the problem fully. Often, low-income households are unaware of or unable to access affordable credit provision in their local area or nationally.

The Government must commit to a comprehensive long-term programme to expand the provision of community lending to ensure that those struggling to make ends meet can access alternatives to high-cost credit. At present, the Government appear simply to be making matters worse. I have been contacted by several constituents who have had to take out loans as a consequence of the Government’s disastrous implementation of universal credit—a flagship Government social security policy. Provision of access to affordable credit is a potential lifeline to many.

I hope that the Government will begin to take a proactive approach to solving this critical issue. It involves not just payday lenders like Wonga, but banks and building societies. There is a huge difference between interest rates for someone borrowing £1,000 and someone borrowing £20,000. The interest rates are so different: they range from 20% to 6%. We need to do something about that and ensure that provision is appropriate and affordable for people in need.

Sir David Crausby (in the Chair): I think that the Minister wants about 10 minutes to respond to the debate. Is that right?

John Glen indicated assent.

Sir David Crausby (in the Chair): I call Stella Creasy.

4.17 pm

Stella Creasy (Walthamstow) (Lab/Co-op): Thank you for letting me speak, Sir David. Do not worry: I promise I will be quick. I rise simply, and possibly at my own risk, to disagree with my right hon. Friend the Member for Birkenhead (Frank Field)—I admire him immensely for his work on poverty and perhaps, given the time of year, he can be the ghost of Christmas yet to come for the Minister—because there is a silver bullet in this circumstance. All of us deal with people in our communities who are struggling because there is too much month at the end of the money and are borrowing to put food on the table, to keep a roof over their head and to put petrol in their car to get to work. They need us to recognise the lessons of payday lending—the lessons of those interest rates. It is not about the decimal point; it is about hooking people into debt.

I know the Minister knows this in his heart. I know he recognises that payday lending is not the only spectre hanging over Christmas for people this year. Indeed, in our country now, people are better protected when taking out a payday loan than when they are using many of the other forms of credit. My right hon. Friend talked about Provident. Provident takes many incarnations in this country. Vanquis credit cards are pushed in my local community; Vanquis is also owned by Provident. Credit cards in this country are the new form of unaffordable debt for so many. The rates of interest, especially on the credit cards targeting people on a low income or with a bad credit history, lead them into higher levels of debt than they would get into with a payday loan. Guarantor loans rip apart communities and families as people get into debt and then have to tell someone else, who has guaranteed the loan, that they have got into debt. The companies are chasing two people at the same time for the same loan.
All those examples, all those scenarios, are things that we could stop if we learned the lessons of payday lending. Wonga may not exist now, but the industry carries on in this country. It has gone from 400 to 150 companies, but the point is that it is not pushing people into debt in the way that it was two or three years ago—when it caused the concern that my right hon. Friend and my hon. Friend the Member for Warrington South (Faisal Rashid) now express for other forms of credit in this country.

I know that the Financial Conduct Authority has ruled out bringing in a cap for all forms of credit, but I again ask the Minister: how much more evidence do we need about these companies and the way they are evolving before we learn the lessons of payday lending?

In the Financial Times this week, the owners of Amigo Loans boasted about how the lack of regulation and the changes in regulation have benefited their industry. By not capping all forms of credit, in essence, we are pushing people into other forms of high-cost credit and towards other legal loan sharks. How much longer do our communities have to suffer? The truth is that they are suffering. I am a Labour and Co-op MP, so I would love to see more credit unions, but they cannot compete with such companies and their rapacious behaviour, or with the way they have evolved to evade legislation.

We need comprehensive legislation. Please, let us not have another year of the Minister and me arguing, yet again, about the benefits of that silver bullet. There is no single better thing that we could do than cap the cost of all forms of credit in this country to give an even playing field, to make sure that the banks treat people fairly, to make sure that all forms of new credit treat people fairly, and to give our communities hope for 2019 when their wages do not match up.

4.20 pm

The Economic Secretary to the Treasury (John Glen): It is a pleasure to serve under your chairmanship, Sir David. I thank the right hon. Member for Birkenhead (Frank Field) for raising this important issue, which, as he knows, I have been passionate about since our days of setting up Feeding Britain. We went to South Shields and Salisbury to look at the experience of people using food banks. We even travelled to Paris together to try to learn the lessons of payday lending that sets up their adverts. I do not see how he can do that unless he speaks to the companies themselves.

John Field: Before the riots.

Frank Field: Absolutely. I really want to make progress on the issue during my time as Economic Secretary, and in my response I will draw attention to some of the measures that have been taken.

I also had the pleasure of working with the right hon. Gentleman on the Select Committee. The assiduous way that he has pursued the challenges that people on low incomes face is legendary across the House. The whole House admires his efforts.

I want to get to the heart of the matter. The right hon. Gentleman has raised a number of issues about the conduct of Provident, as have five other hon. Members. We also had a conversation earlier this week. I recognise that he sees a citizens bank as playing two roles—first, ensuring that the poorest members of society can access core banking services, and secondly, providing credit to those people to help them to smooth their income, spread costs over time and cope with unexpected financial shocks. I will address each of those in turn.

I will set out how the progress that the Government have made on ensuring access to core financial services such as bank accounts has been achieved. The nine largest personal current account providers in the UK are legally required to offer a basic bank account to customers who are unbanked. Those accounts must be fee-free and must not have an overdraft facility.

The right hon. Gentleman drew attention to the key issue of the need to access affordable credit. The Government’s vision is for a well-functioning and sustainable consumer credit market that can responsibly meet the needs of all consumers. I think there is some agreement on that vision on both sides of the House.

I recognise that we face a playing field that is not level. My hon. Friend the Member for South Suffolk (James Cartlidge) and other hon. Members raised the point about advertising budgets, which is why one of the Budget announcements seeks to tackle the barriers faced by key partners such as housing associations to referring people to sources of affordable credit. The default setting is to find a better option than some of those that can be found on Google.

James Cartlidge: Has the Minister considered speaking to Google and other companies about that? It is a good point that it is very difficult to police the robot algorithm that sets up their adverts. I do not see how he can do that unless he speaks to the companies themselves.

John Glen: I am happy to take on that suggestion. I will look into what we can do as part of the challenge we also set in the Budget to introduce technical solutions to try to level that playing field and to make community development financial institutions such as Scotcash, which I visited in Glasgow in September, more accessible earlier in that process.

On Financial Conduct Authority regulation, I will try to address the points raised by the hon. Member for Walthamstow (Stella Creasy), who has raised the matter in the House previously. There was a review in May, although she does not agree with all its conclusions. Since the review, I have had more conversations about Amigo Loans and other issues, such as what can be done to monitor and to provide the evidence. In the interests of responding to the right hon. Member for Birkenhead, I will not carry on, but I do not want to be flippant about the serious concerns of the hon. Member for Walthamstow.

The FCA governs the rules about the provision of credit and is responsible for the regulation of consumer credit. It is a robust regulator, which I always encourage to be even more robust. It has the tools to take swift, effective action against improper practices. My regular dialogue with the chief executive, Andrew Bailey, and the director of strategy and competition, Christopher Woolard, covers that topic, and I know that high-cost credit is a priority for them.

The right hon. Gentleman specifically highlighted a number of worrying examples of high-cost credit lenders in Birkenhead. I listened with concern and serious dismay to the impact of those practices on vulnerable
consumers. I hope the action that the FCA is undertaking in relation to lenders, as part of its broader review of the high-cost credit market, will have some impact.

The right hon. Gentleman mentioned Provident. The FCA is consulting on new rules and guidance specifically for home-collected credit firms. I will draw its chief executive’s attention to this debate. The rules will include requirements for firms to clearly explain the costs of a new loan compared with the cost of refinancing an existing one, and guidance stating that firms cannot visit customers to offer new loans without an explicit request from the customer.

The provision of affordable credit is a multifaceted problem and there is no single solution to overcome it. It is not sufficient to simply tighten regulation for high-cost lenders. Therefore the Government are desperately keen, and have taken steps, to ensure that low-income consumers can access safe, affordable and sustainable credit. In our civil society strategy, we announced that £55 million of funding from dormant assets would be directed towards addressing the problem of access to affordable credit and alternatives.

In the autumn Budget at the end of October, the Chancellor announced a package of measures to support affordable lending, including a prize-linked savings scheme to encourage the growth of the credit union sector. Although the sector is variable in quality, as has been discussed, there are opportunities to expand it. Another measure is an affordable credit challenge fund to encourage the UK’s vibrant FinTech sector to solve the challenges that I just discussed with my hon. Friend the Member for South Suffolk. A further measure is a change in the regulatory boundary to allow registered social landlords to offer their tenants better community lenders. A final measure is a feasibility study into a no-interest loan scheme, and a pilot of that scheme.

The right hon. Member for Birkenhead is absolutely right that banks have a responsibility to assist and facilitate better solutions in this area. Earlier this year, we took through the House the single financial guidance body, which will be a huge partner in working—I hope—across this Chamber to solve the challenges that I just discussed with my hon. Friend. The Member for South Suffolk. A further measure is a change in the regulatory boundary to allow registered social landlords to offer their tenants better community lenders. A final measure is a feasibility study into a no-interest loan scheme, and a pilot of that scheme.

The right hon. Member for Birkenhead is absolutely right that banks have a responsibility to assist and facilitate better solutions in this area. Earlier this year, we took through the House the single financial guidance body, which will be a huge partner in working—I hope—across this Chamber to solve the challenges that I just discussed with my hon. Friend. The Member for South Suffolk. A further measure is a change in the regulatory boundary to allow registered social landlords to offer their tenants better community lenders. A final measure is a feasibility study into a no-interest loan scheme, and a pilot of that scheme.

I thank the right hon. Gentleman for securing the debate. He and other hon. Members have raised some significant issues that I take to my heart and back to my office. I hope I have offered him some reassurance by setting out the comprehensive and concerted actions that the Government have taken with the FCA to address the challenges in this area. I am clear that the Government are on a journey to actively and comprehensively support vulnerable borrowers. I want to continue to work with him, and other hon. Members from both sides of the House, using the knowledge and expertise that exists, to come up with even better solutions to deal with a real problem in some communities in this country.

Question put and agreed to.

**Gender Pay Gap**

4.30 pm

***Stella Creasy*** (Walthamstow) (Lab/Co-op): I beg to move,

That this House has considered the gender pay gap.

It is a pleasure to serve under your chairmanship, Sir David. I feel very greedy for having just intervened in the last debate and now having my own debate, but both debates are on matters that are close to my heart, because both make a big difference to our local communities.

I mean no disrespect to the Minister present—the Minister for Women—but I see this subject as a matter for the Treasury first and foremost, because I think that closing the gender pay gap is one of the most positive economic policies that we could have in this country, given the benefits that it would bring to our country as a whole. We have spent the past eight years, since I was first elected to this House, arguing about austerity—I know that there are different views on it, but Labour Members are pretty clear that it has not been a good economic policy. There are probably different views across this Chamber as to whether Brexit is a good economic policy—many of us are certainly concerned about the impact on our economy—but I hope there is agreement across the House that closing the gender pay gap would have a positive impact on our economy.

For me, it is interesting and telling that we do not see this matter first and foremost as one of economics. That is one of the challenges we have to address, because we know that closing the UK’s gender pay gap would add £150 billion to our GDP in the next couple of years and that an extra 840,000 women would be added to the UK workforce. Those figures reflect what the gender pay gap really is: untapped talent in our society. Given that we have gone through the horrors of austerity and we appear to be going through the horrors of Brexit, never more have we needed positive economic policies that tap into that talent, to help us try to redress the balance.

To the person who tweeted me earlier this afternoon, saying that in debating the gender pay gap I may as well be debating “unicorns”, I say that today the “unicorns” are in the main Chamber, in relation to Brexit. This debate is very much a reality.

The gender pay gap is a reality that we have always known existed; we have always had data to show a general gender pay gap in this country. We know from the annual survey by the Office for National Statistics that the average gap is about 13%. However, what has changed in this debate in the last year has been the data about particular companies, busting open the argument in people’s workplaces and revealing to them the variations between different sectors. It has shown that 78% of companies in this country that have more than 250 employees are paying the men they employ more than the women—that is on average, so it is not just about individual men and women. That is a systematic undervaluing by those companies and organisations of the women who work for them, and of the possibilities that they could bring to their company or organisation.

***Hannah Bardell*** (Livingston) (SNP): I am delighted that the hon. Lady has secured this debate and it is a pleasure to join her in it. I was on the Delegated Legislation Committee that considered the Equality
Act 2010 (Gender Pay Gap Information) Regulations 2017 and put them through. I was surprised, as I am sure she was, that the bar was set at 250 employees. I know that is a good start, but does she agree that some of the biggest challenges are in the small and medium-sized companies that have fewer than 250 staff, and that it would be fantastic to hear at least an expression of willingness from the Government Benches to extend that legislation as soon as possible?

Stella Creasy: I completely agree with the hon. Lady. At the moment, only about 60% of the British workforce are covered by that legislation, so when we talk about understanding the gender pay gap in this country, we still have 40% of the gap to understand. I will come on to that issue later because, like her, I am impatient and, also like her, I have a passion for that piece of legislation.

We should honour all of the parliamentarians involved in this, including my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), whose determination to get the Equality Act 2010 through set us on course to where we are today. Sometimes her contribution to this process is forgotten, perhaps by Members who are new to the House. Anyone who has ever dealt with her on these issues knows full well how passionate she is about them and everyone should recognise that.

The variation within sectors is also pretty telling for us, in terms of the kinds of experiences that women in our country—our constituents—might face.

Danielle Rowley (Midlothian) (Lab): On that point about looking at different sectors, I used to work in the third sector—the charity sector—which people often refer to as “the women’s sector.” However, when we look at the top and at the management, we see that it is not reflective of the sector at all. Does my hon. Friend agree that that is a big issue?

Stella Creasy: Completely. One of the things that is so powerful about this data is that no sector—public, private or third—is immune from critique, because frankly none of them is valuing women in the way they could. That is reflected in how they pay them, how they promote them and how they work with them.

I am very struck by some of the brands that make a point of selling to women. After all, the one place where women have the majority of power in our society is in their purchasing power, as we account for 70% of purchases in this country. Yet those brands that make a virtue about selling to women are often the ones that, when we look at their pay gap, are some of the worst in this regard. I would not necessarily have put Sports Direct up there as champions of feminism, but its gap is 6%. Contrast that with Sweaty Betty, which has a 62% variation; with Monsoon, which has a 36% variation; or with Boux Avenue, which sells lingerie and has a 75% variation. Even when we are buying those companies’ products, they are not necessarily using the money to pay their women employees equally.

Many people have rightly challenged the data about the gender pay gap. After all, there were only four measures, so I agree that the data is a blunt tool. There are certainly things about the data that I would like to know more about. However, my argument today is just because the data is not perfect does not mean it is not powerful. I absolutely agree that we need to understand much more about just gender when it comes to inequality in the workplace, the undervaluing of talent and what that means for our economy. It certainly means that we need to understand whether we can get better data on how black and ethnic minority employees are treated in the workplace. We know that the full-time pay gap for black African women is 19%, and that for Pakistani and Bangladeshi women it is 26%. That is in contrast to the general gender pay gap of 18%. Black male graduates earned a whopping £7,000 less per year than their white counterparts in the past 10 years. One of the things we know is that although black men have been more likely to invest in higher education than their white counterparts, they are less likely to have benefited from it in their pay packets. That is an interesting challenge for us.

This data also does not tell us about part-time work, which is absolutely crucial for women because, at 73%, the majority of part-time workers in our country are women. We know that there is a gender pay gap within the data for part-time work, but it is not as clearcut as the one within the data for full-time work, which is the data that we have for these individual companies. The data also does not tell us about age. For many people, understanding the difference of the gender pay gap, and therefore understanding what is driving it, is crucial when it comes to age. People presume that the gender pay gap is something that happens later in life. Actually, we are already seeing a gender pay gap building up with graduates, within 18 months of them entering the workforce. Again, that tells us that the gender pay gap is not necessarily what people think it is.

Also, in relation to the point made by my hon. Friend the Member for Midlothian (Danielle Rowley), the public sector cannot lecture the private sector in this regard. When we look at the NHS, we see that 77% of its employees are women but it still has a substantial gender pay gap. That should tell us—as the people in charge of public services—something about our ability to value women and their worth in the workplace. Indeed, the private sector pay gap has decreased, from 20% to 16%, while the public sector pay gap has widened to 13.9% in the past five years.

The data also does not tell us what difference getting qualifications makes. Again, when we go on to consider what might be causing the gender pay gap, people make presumptions about the impact of training and qualifications. Actually, when we look at the data, we see that it is not necessarily the case that women who have been educated to a higher level, such as degree level, are being paid more. Indeed, despite more women being educated to a higher level, there has been little or no change in the gender pay gap between groups of workers qualified to a degree level since the early 1990s. We also see a gender pay gap when it comes to apprenticeships. For level 2 and level 3 apprenticeships, women earned an average of £6.85 an hour, compared with the average for men, which was £7.10 an hour.

One of the things that is so powerful about this data is that, because it is so localised to particular companies, it helps people understand what is happening directly to them in a way that a general statistic does not. I have met the Minister to talk about one of the challenges in this regard: when the data was published in April this year, what impact did it actually have on the ground? I
ask that because it is one thing for us here in this House to analyse the data and maybe call to account those firms that sell to women without paying women properly, but it is another thing to talk to our constituents about their experiences of what the data shows about their workplace.

Therefore, when the data was published, a cross-party group of MPs put together an anonymous survey called #PayMeToo to try to understand the experiences of women at the coalface. As the Minister knows, the responses were pretty shocking. People often say, “Data is a great disinfectant. Publish the numbers and that will drive change.” The data from the #PayMeToo survey shows that we might be publishing the data, but we are certainly not telling women to talk about it, and those women trying to talk about it in their workplaces face a hostile environment—I hesitate to use that phrase, but it is very clear from the responses we got.

Women were being told that that was just the way it is; that they work in sectors where there are not any women, so why would they expect women to be paid the same as men? They were being told by HR departments that they should bury the data; that they should not be difficult; that they needed to raise a grievance if they wanted to talk about those issues. They were being told that they could get a pay rise, but it would not be equal to that of their male colleagues, because it was about trying to manage the impact of the fuss that was being created. They were recognising that their companies were using what they called “very creative reporting” to try to minimise the gender pay gap, and so pretend that the issue was not happening. They were being told, “Don’t worry. Next year we will employ some more lower-paid men, and that will sort the problem.”

One of the things that I hope the Minister will commit to is following up that data and gathering it herself next year, when the second lot of data comes out. It should not be up to MPs to try to grab these qualitative pieces of research, when what consistently comes back to us speaks of the hostility that women face regarding the impact of this data; of just how sensitive it is for people to talk about what they earn in this country; and of the presumptions and cultures behind the gender pay gap, which we have to deal with.

Let us try to deal with some of those presumptions. At the moment, it is true that we have only half the story with the data, and many commentators both online and offline, including in The Spectator—I am sure Toby Young is watching—will try to fill in the rest of the blanks for us. They tell us that it is about women and their lifestyle choices—bluntly, that women have kids, therefore they want to work flexibly and to take time out, so of course they are going to be paid less.

**JESS PHILLIPS (BIRMINGHAM, YARDLEY) (LAB):** My husband has kids.

**STELLA CREASY:** As my hon. Friend says, her husband has kids. She pre-empts what I am going to say: this is not about women, but about parenting. One of the challenges for us is to support both parents to be equally culpable for the child that they have created, including looking after that child, because that is one of the things that would help women in the workplace. There is an impact on women’s earnings when they become parents, but there is not as much of a gap for fathers. For mothers the pay gap is 30%; for fathers it is around 10%. We also recognise from figures provided by the Office for National Statistics that having children can only account for a third of the variation in gender pay. One of the things we have to nail in this debate, if we are to close the gender pay gap and get that economic benefit, is the idea that this is all about having kids. A big chunk of the variation cannot be explained by childcare or caring commitments.

The second thing people say is, “This is about women putting themselves forward. Women do not ask for pay rises; women do not seek promotion; women do not want to be in charge.” Thankfully, we also have research showing that is simply not the case—that, as much as we might admire her in many other ways, Sheryl Sandberg is wrong. This is not about leaning in; this is about systematic discrimination against women in the workplace. An Australian study. Clearly shows that men and women ask for pay rises, just as much as each other, but that men are four times more likely to get one. That is the same for men and women of similar attainment or qualifications, and for men and women of certain ages. Let us stop blaming women for the gender pay gap, because it is not their fault; it is the fault of the environment they are working in.

That environment is what we need to tackle, and that is not just about getting a few more well-paid women at the top—although, if we are honest, we have seen over the past eight years that that is not going brilliantly either. Britain’s public companies will need to appoint women to 40% of their board positions over the next two years if they are to meet the voluntary target that the Government have set, and 100 companies in the FTSE 350 have either no women or just one woman on their board. However, if I am honest, it is not women at the top who I am really concerned about, because the vast majority of the gender pay gap is about low pay and women. It is about the value that we attribute to certain sectors, and the fact that those sectors are dominated by women. The silent majority in this country that we need to speak up for is not the women who we are going to see on the back page of the Financial Times. This is not about getting a few more women in top positions, although some companies have worked out that that would skew their figures; this is about the millions of women working in jobs that are systematically undervalued and underpaid.

We see a lower pay gap within low-paid industries, but we still see a pay gap. Over one in five female workers are low paid, earning less than two thirds of a typical hourly wage or just £8.55 an hour, compared with just 14% of men. That silent majority needs us to recognise that challenging the gender pay gap, and getting the better productivity and the economic benefits of doing so, comes about through how we think about those industries. It comes about through how we think about progression and flexible working within them, and not taking no for an answer; not thinking that this is somehow just about women being more confident or more articulate, or even a bit of anti-bias training, welcome though it would be.

**DANIÉLLE ROWLEY:** My hon. Friend is making a fantastic and powerful speech. Some 80% of administrative and secretarial staff tend to be women, and when a construction company in my constituency of Midlothian went bust, the men who were the engineers and had the manual jobs found further employment quite quickly. However,
the women who were in the admin roles did not, and found themselves unemployed. Does she agree that is another issue that is creating gender inequality in the workplace, on top of the gender pay gap?

**Stella Creasy:** Absolutely. One of the things I want to come on to is the rise in self-employment, and in particular how that affects a lot of women who have lost their jobs in industries where self-employment is now the norm. A lot of our equal pay legislation and gender pay work is out of date because of the way in which people are now working, and I would love to hear the Minister’s thoughts on whether we need an equal pay Act for the 21st century that can take account of what a comparator is for somebody who is self-employed. Certainly, for a lot of those women, that will be a live issue.

Equal pay is still a problem. The Equal Pay Act 1970 is older than I am, but we know that women are still facing basic problems in being paid the same as men to do the same jobs. We know that the 84% drop in the number of cases is more to do with the cuts in legal aid than with an end to the problem, as the legal cases involving the BBC and Asda prove all too well. However, the gender pay gap is not illegal; it is just immoral and, frankly, inefficient. That is the issue that we have to get right, because it is an issue that our competitors are getting right.

That is the third thing that I want to say to the Minister. We can argue about the data—I press her to improve the quality of the data we get with the second lot in 2019, because there is more we can do—but data is not enough. Indeed, the data and the reaction to it shows that people are quite comfortable with the idea that we should have a gender pay gap, in a way that they would not be comfortable with poor productivity in their firms. We have to change that culture, and when our competitors are doing that we have a real problem.

**Hannah Bardell:** On the matter of culture, does the hon. Lady agree that the erroneous and inappropriate misuse of non-disclosure agreements is making a massive contribution to poor culture, with women particularly being silenced, resulting in the suppression and oppression of women and their voices in the workplace?

**Stella Creasy:** I absolutely agree. Indeed, that hostility to women’s voices being heard at all is one of the things that has come out of the #PayMeToo data. The fact that someone is powerful and has the money to silence someone else does not mean that that person’s voice should not be heard. I will support any of the measures on non-disclosure agreements that I know the Select Committee on Women and Equalities is looking at, not just about sexual harassment but about harassment in the workplace, because it is clear from the data we are getting that women do not feel able to come forward and do not feel protected. Indeed, when we see the BBC—a major public employer—trying to silence women, what message does that send to women who want to talk about equal pay?

We can learn lessons from our competitors. We can learn from Iceland, which has brought in some very serious fines to make sure that there is enforcement of equal pay. It is no good having legislation if there are no real teeth to enforce it. In Germany, employees can now get the details of six of their colleagues’ pay so that they can do a direct comparison, which has had a big impact on changing conversations about the worth of women in the workplace.

However, I am also here to say to the Minister that time is up for asking nicely, because we have been asking nicely for some time for these issues around pay and progression to be dealt with, and the pace of change is glacial. When our competitors in Germany, Belgium, France, and elsewhere across the EU—even in California, for Christ’s sake, which is hardly a bastion of socialist public policy—are introducing quotas and recognising that pushing those quotas helps push the pipeline, the question for us is, “Why do we want to be left behind as a nation?” Left behind we will be, because even if we can struggle to get a few more women on boards to meet that target for 2020, we are not doing anything about that pipeline. We are not doing anything fundamental to ensure that the talent that exists on the shop floor that is currently underpaid is being picked up and fast-tracked. That would help change the country.

That matters because of the economic impact of failing to pick up that talent. It matters when we hear companies saying that when it comes to promoting women, “Most women don’t want the hassle or pressure of sitting on a board.” Of course, we know that women do not deal well with pressure, obviously. They say, “All the good women have already been snapped up. That’s why you can’t find them,” or, “We already have one woman, so that’s enough, surely.” Of course, all women can be represented by one woman on a board. They say, “Shareholders just aren’t interested in this issue.” Frankly, if shareholders are not interested, they are not watching the world or their bottom line.

A global analysis of more than 2,000 companies showed that companies with women in at least 30% of leadership positions had profits that were on average 15% higher. If shareholders are not pushing for and demanding change, clearly they do not want to make any money, but that is what is happening now. We can keep asking nicely and trying to improve the data, but even if we improve the data there is that comfort with having a gender pay gap that means our economy is going to be held back, and that needs to change.

We should be asking about part-time work and whether we need to lower the threshold, at least from 250 to 100 employees. We should hold to account those companies that try to avoid putting in their partnership data, and we should get the data on black and ethnic minority employment and disability within our workplace. But we should also make a commitment that we will act, and acting means doing what our competitors are doing. It means setting some clear targets and having consequences for those firms that fail to act.

We know that next April we might see data that is a little bit better. After all, they will have had a year to try to figure out how to game the system, but gaming the system does not get the economic benefit. Let us stop apologising for wanting to close the gender pay gap and start demanding that we do, because this country cannot afford not to. What will the Minister do to ensure that the data we get next year is better, clearer and more diverse? What does she think is the appropriate timescale to keep asking nicely? Will she commit to when we
might bring in quotas if we do not see change? She will find friends and champions across the House if she does. I also know that if she does not, Britain will not get the productive workers it needs. Blaming women for the problem will not help our economy. Helping ensure that every firm, every public sector organisation and every charitable organisation makes the best use of its staff will give this country the brighter future that the Prime Minister claims she wants. We want more than one woman at the top; we want many. That is what Britain deserves.

Sir David Crausby (in the Chair): I want to get to the Front Benchers by 5 o’clock. There is only one Member standing, but there is not much time in a one-hour debate.

4.53 pm

Helen Whately (Faversham and Mid Kent) (Con): Thank you, Sir David. I congratulate the hon. Member for Walthamstow (Stella Creasy) on securing this debate and on her speech, which she delivered with characteristic passion and peppered with huge quantities of data. I start by reflecting that the gender pay gap is at an historic low of 8.9%. We should acknowledge that, but also that it persists—we do not want it to persist; we want it to close and to end up without a gender pay gap—and that practically, most women’s incomes are still hit by having children.

When I was a new mum, I was lucky; I had a supportive employer that allowed me to work flexibly. It was working hard to encourage women to stay at work, having children, and to move up the organisation. I benefited from that, but I recognise that a huge number of women do not have that. In fact, only 11% of jobs that pay more than £20,000 are advertised with flexible working as an option, while the demand is estimated to be closer to 90%. That means that many women are not able to continue working in the job they were working in, and have to make choices that are not the ones they want to make. We know that by the time a couple’s first child is aged 20, mothers are earning on average nearly a third less than fathers.

Jess Phillips: Does the hon. Lady agree that one way we could stop some of these problems with the gap between men and women would be to pay men more to stay off work? If we gave men 90% of their pay for the first six weeks of their baby’s life, as we do with women, when they become new dads, and that there is a more equal sharing of childcare responsibilities between mums and dads. One reason why that is not happening is that there are financial barriers to doing so.

I acknowledge the work that the Government are doing to tackle the gender pay gap. For instance, last year it was made mandatory for companies with 250 or more employees to report their gender pay gap. There was some speculation at the time as to the difference that would make, and that companies would not bother to comply. I imagine the Minister will confirm this, but my understanding is that there was 100% compliance and that companies did report it, even if it often did not reflect very well on them. That reporting is making a difference. I checked on what my previous employer was doing, because its reporting did not make it look that great. It did a whole report about the actions it was going to try to take to close the gender pay gap on the back of that reporting. If companies across the country are all doing that, that will make a difference. Now that we have had large companies do that, I am keen to see smaller companies do the same.

The headline point is that it makes good economic sense to close the gender pay gap. It makes sense for companies. We know that companies with greater gender equality do better. They perform better for their shareholders, it is good for their reputation and it helps them attract better candidates. When companies are struggling to recruit for the skills they want, clearly they need to ensure that they attract good women as well as good men. Greater gender equality also makes economic sense for the whole country. If we fail to make the most of the capabilities of women, we are failing to make the most of half the country’s workforce.

It is not just about women, however. Making things better for women has knock-on benefits for men, too. I know lots of dads who wish they had been able to spend more time with their children in the early years. Shared parental leave was introduced by the Conservative-led Government in 2014 to enable dads to do exactly that, but as Members have alluded to, there are barriers to men’s taking up paternity leave. There is more to be done to ensure much more equal taking up of maternity and paternity leave, to help dads play that greater role in their children’s early years and mums to keep their careers going.

I welcome the fact that the Government are looking at placing the onus on companies to assess whether a job could be done flexibly, and to make that clear when advertising it, rather than just relying on people—particularly women, but men too—coming forward asking for their job to be flexible. Anecdotally, I have heard that it is men who come across particular barriers when asking for a job to be flexible. We need to address that, too. I would also like to see greater transparency from large companies in publishing their parental leave and pay policies, so that they are absolutely clear to potential job candidates. There is a whole question around maternity discrimination, which we know is illegal, but is still pervasive. Too many women are forced out of work, whether that is having to take maternity leave early because they are pregnant, being made redundant while on maternity leave, or one way or another finding that they are unable to return to the workplace after having children.

Just to sum up, bearing in mind the time, I urge the Government to keep on pushing to close the gender pay gap. I urge them to keep pushing employers, business, the public sector and Parliament itself to do better.

Sir David Crausby (in the Chair): In a one-hour debate, the mover of the motion gets the opportunity at the end to briefly wind up. I would appreciate it if the Front Benchers would give the hon. Lady that opportunity.

4.59 pm

Hannah Bardell (Livingston) (SNP): It is a pleasure to serve under your chairmanship, Sir David. I pay tribute to the hon. Member for Walthamstow (Stella
Creasy), who delivered a characteristically eloquent and detailed speech. I hope that some of the statistics in it get picked up by the media, because they are so stark and so incredible. As she said, the Equal Pay Act 1970 preceded her entry into the world. Clearly legislation can be introduced, or repealed, as in the case of section 28, but that does not necessarily change culture.

It is the duty of any Government and their politicians to ensure that we introduce not only legislation that creates equality, but policies and cultures, and sometimes that requires affirmative action. I am somebody who is avowedly pro quotas. It would be interesting to hear from the Minister about Sarah Childs’s report on Parliament. Some of this must start from within. We must hold a mirror up to ourselves and ask whether we are doing enough as politicians, and within our legislatures, to ensure that there is gender equality, and equality across the board.

We are in the 100th year of women’s suffrage, but incredibly, when I was elected in 2015—I know that others in the Chamber were elected that year—there were more men in that Parliament than there had ever been female parliamentarians elected. We should never tire of reminding ourselves of that statistic. We have come a long way. We now have a rainbow Parliament of different cultures, with many people from black and minority ethnic communities, LGBT politicians, and politicians with disabilities, but we still have a very long way to go.

I want to pick up on some of the statistics that the hon. Member for Walthamstow mentioned. Some 60% of the British workforce work part time, but she eloquently made the point that women in lower-paid jobs in particular face inequalities. I met representatives of Asda recently, and discussed their equal pay challenge. In fairness to them, they said that they were trying really hard to address it, but the fundamental point was the difference between people who work behind the scenes in warehouses and those who work on the checkouts. Although one job involves more manual labour, the other involves much more emotional labour. That is the crux of the issue: do we really value manual labour over emotional or interpersonal skills and soft skills?

That is something that we sadly lack, across business and across politics. Think about the G20 photo in which Christine Lagarde and our Prime Minister were the only women. We have a global problem with patriarchal structures. It is not about attacking men and saying, “You’re rubbish, you’re not good enough, and you’re to blame for all the problems,” but there is a reality to be faced. If we have so little gender diversity, and so little diversity in the leadership of countries across the world, and collectively in an organisation such as the G20—if only two of those 20 people are women—then we have serious problems.

That brings me to the financial sector. The Independent Evaluation Office, an arm of the International Monetary Fund, published a really interesting report about the run-up to the financial crisis. The report said that two key failures led to the almost complete failure of the regulatory system: No. 1 was groupthink and No. 2 was a reluctance to speak truth to power. The reality was that in the run-up to the financial crisis we had largely men around the table, largely from similar backgrounds, who were unwilling to challenge each other and challenge the groupthink that ensued; and that eventually brought our financial system to its knees.

It is scarcely necessary to open any financial paper any day of the week to see that, Brexit aside, we are heading for another financial crisis. I agree with the hon. Member for Walthamstow that we should not always couch the argument in financial terms, but we must tailor our message to those who are listening. I was heartened that when the data was released, Martin Gilbert, the chief executive of Standard Life Aberdeen, said:

“I’m welcoming new gender pay gap regulations despite the uncomfortable reading.”

We need to take men with us. We need men to come on the journey.

The hon. Member for Faversham and Mid Kent (Helen Whately) spoke about paternity and maternity leave, and I agree with so much of what she said. I hope that we can work cross-party on this issue, because men need to have the opportunity to take the time that they would like to take with their partners, to be with their children. They are parents as well. So often we hear men referred to as “baby-sitters”. They are not baby-sitting their own children; they have an equal responsibility.

Very often, having a missing parent of either gender, in terms of that parent being in the workplace, brings about huge challenges and issues for children. I am from a single-parent family. My mother worked full time, and she did a pretty decent job. I know she found it challenging. Whatever make-up a family is, in our modern society we must ensure that our structures encourage those families, and that every workplace, whether in the public or private sector, encourages families to flourish and staff to take the time that they need with their children.

In Scotland, we passed legislation in January 2018 to ensure that we have 50:50 gender representation by 2020 on our public boards. Our gender pay gap is smaller in Scotland; it is only 6.6%, as opposed to the UK gender pay gap of 9.1%. Our First Minister, Nicola Sturgeon, has done an incredible job, but in Holyrood we still have significant challenges. Interestingly, the gender representation of the press lobby in Holyrood is much worse than that of the UK lobby. That is also an issue. They are the people who report on our politics and help to shape the political arguments. I look up at the press Lobby every week at Prime Minister’s Question Time, and there is a serious lack of diversity, particular regarding gender. We must do everything that we can to close that gap.

The World Economic Forum predicts that it could take 217 years to close the gender pay gap. That is an incredible amount of time. We should not have to wait any longer. We must act, and what I always say to folk when I talk about quotas is that, as much as people may have problems with them, they are a temporary measure to redress the balance. They are not something that any of us want to see over the long term, but whether in politics or in business, they are absolutely the kind of policy that the UK Government and devolved Governments must introduce so that we can have fair representation.
I finish by quoting Talat Yaqoob, the director of Equate Scotland, who said:

“What we can be hopeful of is that the demand for fair representation is growing. Lobby groups, academics and women in parliament will, rightly, be vocal about the need for progress. But the evidence of women’s under-representation, the reasons for that under-representation and the positive impact more women in parliament have, is all well documented. The time now, is...for action. By the next election, we can and must have processes in place for fair representation.”

None of us knows when the next election may come, so now is the time to act. I hope that the Minister will be on board, and on side with us. I am sure that we will be able to work together on these issues to close the gender pay gap, and to ensure that our businesses, our Parliaments, our shop floors and our warehouses are representative of our society.

5.8 pm

Dawn Butler (Brent Central) (Lab): It is a pleasure to serve under your chairmanship this afternoon, Sir David. I congratulate my hon. Friend the Member for Walthamstow (Stella Creasy) on securing the debate. It is always great to collaborate with her on the work that she does on women and equalities to try to move the agenda forward.

We have heard some really great speeches today. I think we are almost in agreement that something needs to be done; I suppose it is about how it will be done, and when it will be done. Labour introduced the Equal Pay Act in 1970, but nearly 50 years later we are still discussing unequal pay, and women are still earning less than men. I loved the fact that on 10 November a lot of women put “out of office” messages on their email to show that they work for nothing from that day onwards. I thought about doing that myself, but the consequences would probably have been rather different.

We are still talking about the pay gap. The UK has slipped from 14th to 15th in the ranking of 33 OECD countries based on the five indicators of female economic empowerment. We really need to do better. There is a lot that we can and should do, so there is no excuse for not addressing the problem. After all, 51% of people in the country are women and the other 49% would not be here were they not for women. It is time we made those adjustments rather quickly.

Women have borne the brunt of Government cuts—87%—and everywhere we turn, women are struggling and suffering. My hon. Friend cited some really stark statistics that show that things are continually getting worse. Sometimes there are marginal gains, but they are really far too slow to work. The gap is at its lowest for women aged 18 to 21; I would call that good news, but the gap opens up significantly—to around 26%—for women in their 50s. What could that possibly be down to? Obviously it is a combination of sex and age, and we know that if we add race into the equation, the gap widens.

We need to take into consideration what is at the heart of the gender pay gap: discrimination. A lot of injustices globally are caused by the undervaluing and devaluing of women and the roles they play. The hon. Member for Livingston (Hannah Bardell) mentioned the issue of manual versus mental labour, which really drives home the point about the jobs women do, the roles we play and the way we are talked about. Our body, our hair, our looks, how we speak, how we walk—all those are additional barriers that men often do not face.

We really need to think intersectionally and look after other women who do not look white or middle-class or have kids. If we are really going to move the agenda at the pace it needs, we have to think about all women, in the round, so that we are not still having this discussion in 50 years’ time. Tackling these issues should be the Government’s main priority. I have sat opposite the Minister many times, and I know that she will say that the Government have done this report and that audit—but audits and reports are just not enough, because they are not getting the job done. We need solid action.

Hon. Members may ask, “What would Labour do?” We will ensure better provision of parental leave and more affordable childcare. We will encourage women and girls to go into male-dominated sectors so that they can achieve high salaries. We will also look at mental versus manual labour—I quite like that concept, so I might nick it from the hon. Member for Livingston.

Hannah Bardell: The hon. Lady is very welcome to nick it; we can share it and make it a cross-party tag line. Does she share my concern about comments from chief executives—particularly in the aviation industry, which has one of the worst pay gaps? Ryanair said that its gender pay gap of more than 70% was just because more men are pilots. We must call that out, but we must also encourage the industry to do more and work with organisations such as the Civil Aviation Authority to make sure that we have more female pilots and better support for women to get into such roles.

Dawn Butler: I absolutely agree. It is easy to reverse those roles; it is a proven fact that women are very calm under pressure, which is one of the traits that pilots need. There is an organisation in the airline industry—I cannot remember which—in which the woman who is chief exec is making great strides in encouraging women to become pilots. Why not? And why not equalise things the other way by having more male cabin crew? I totally agree that silly excuses are made. Men continue to dominate the most senior and best-paid roles. I know that that will take time to change, because they may have been in the job for a while and discrimination has being ongoing for years, but there is no excuse—we must tackle equality.

The Equality and Human Rights Commission estimates that 54,000 mothers a year are forced to leave their jobs early because they are pregnant. It is outrageous that that figure exists. To address such deep-rooted inequalities, we must ensure that we mandate that employers put action plans in place. It is great that employers now have to tell us their gender pay gaps as a result of regulations made under the Equality Act 2010, but they need to do more—just telling us that there is a gender pay gap without doing anything to address it is not enough.

The Government could do more. They could say—as a Labour Government would—that if an organisation pays its employees well and has an agenda to close the gender pay gap, they will ensure that it has access to Government contracts. If not, it should not get a Government contract, because it does not deserve one.

There is so much to be said, but I know that time is short and I am sure that hon. Members from all quarters
of the House will secure more debates on the subject. It has been said that it has been very difficult to win the hearts and minds argument on the gender pay gap because companies are often not interested—they just ask what the bottom line is. However, my hon. Friend the Member for Walthamstow (Stella Creasy) on securing the debate. We all know how committed she is to this important issue and to gender equality generally. It is a pleasure to discuss it with her in this forum, as it is to meet her behind the scenes to try to get things done.

I also thank other hon. Members for their contributions; I am delighted that so many strong women contributed. I was particularly delighted that the hon. Lady seemed to describe my right hon. Friend the Member for Wokingham (John Redwood) as a unicorn—she said there were discussions about unicorns in the main Chamber and he was on his feet at the time. I will treasure that comment and keep it close to my heart.

This year has been one of milestones: data from the Office for National Statistics shows that the gender pay gap has fallen to a record low; more than 10,000 employers have published data for the first time under the new reporting regulations; and the pay gap became one of the biggest news stories of the year. Those are all indications that the issue has climbed up the agenda, which we know is being translated into conversations in industry and business. People are finally talking about this injustice.

I recently met some senior businesspeople who run some of the most powerful businesses in the country—indeed, the world—to discuss modern slavery. One of them told me, “I was at a meeting in New York recently and, in a room full of investors and businesspeople, we talked about the gender pay gap regulations in the UK.” It is not just us in this country who are having this conversation about the regulations and the injustices they have revealed; other countries and businesses around the world have noticed too. We are under no illusions of the challenge that they face, and we are committed to supporting them and tackling the issue together.

I want to start by discussing the women who are perhaps most affected by gender pay gaps—those who are the lowest paid—which is an issue raised by the hon. Member for Walthamstow. The emphasis has tended to be on well-paid women and on directorships, because we want to get the symbolism right and put the message out there that women can run businesses and so on.

Kirstene Hair (Angus) (Con): I commend the Government’s record on trying to narrow the gender pay gap. It was a pleasure for me to address female electricians in this place on Monday. One of the top issues that came up in discussions with them was the engrained workplace cultures that really curb female progression. Can the Minister update us on what she is doing to solve that?

Victoria Atkins: I was at the same event, and a female electrician corrected me by saying that only 1% of electrical engineers are female. As in our earlier discussion about pilots, there is no reason why more electricians and electrical engineers should not be women.

Let me turn to the work we are doing to help the lowest paid. The Minister for Women and Equalities, my right hon. Friend the Member for Portsmouth North (Penny Mordaunt), recently announced that the work of the Government Equalities Office will be broadened to include an explicit focus on low-paid, low-skilled women, who have often been left out of the conversation, despite possibly requiring the most support, given the multiple barriers they face. The message that she wants to give, and which I echo, is that this is not a question of forgetting about directorships or the highest-paid women; this is about multitasking and ensuring that we reflect the whole economy and women’s contributions to it. We know, for example, that the lowest-paid women tend to feature in four industries: retail, childcare, caring and cleaning. We are looking at those sectors to ensure that the figures for the gender pay gap translate into real-life policies that have the greatest impact for the lowest-paid women.

The shadow Minister mentioned some figures quoted by the OECD. She will have to forgive me—obviously I am doing this on my feet—but just to put them in context, we understand that the OECD figures use a different methodology and go much wider than our gender pay gap measures. We are working with colleagues across Whitehall to increase women’s economic empowerment. In terms of Government recruitment, those factors are very much taken into account when we look at contracts. I hope that reassures her.

I turn now to the drivers of the gender pay gap. This is clearly just one of the steps we are taking to tackle the gap; other steps include introducing shared parental leave and pay, and running a £1.5 million campaign to promote the scheme. Hon. Members have made the point about fathers wanting to play a much greater part in raising their children, particularly in the early years. I think there is a lot more that the scheme can and should do. We want to raise awareness of it, so that employers understand the regulations and can ensure that their male employees can contribute to family life in as powerful a way as their female employees do.

Hannah Bardell: I thank the Minister for her extremely positive contribution, which I know will be followed with actions. I have spoken to a number of male constituents who have asked their employer about paternity leave and received quite negative responses. Education and engagement with businesses across the UK is important in enabling men to take paternity leave without facing stigma and discrimination as a result.

Victoria Atkins: The hon. Lady raises a very important point. This is about changing conversations and attitudes in the wider society as much as it is about what we do in this place, which of course is important. Frankly, it is about ensuring that society modernises the way it treats
men and women in the workplace. We know that some employers are better than others. I hope that employers who are not doing such a great job will recognise the business reality: given the choice, good people will not want to work for bad employers. This is very much part of us all contributing to the conversation to ensure that employers know how they should treat their workforce.

There is more to supporting people in the workforce. In addition to shared parental leave, we are extending the right to request flexible working. We are creating a £5 million fund to support returners and spending about £6 billion on childcare support by 2019-20. We know that closing the gap will require a collaborative effort from Government and businesses, but I am convinced that, to truly solve this, employers must be the driving force. Every single employer who was supposed to have reported has done so, which means that 10,500 businesses are having conversations—sometimes for the first time—about how they treat women in their workforce.

I absolutely accept what the shadow Minister and others said about the need for action plans. As she knows, we take a slightly different approach to this. I want businesses to come up with their own action plans—indeed, we understand that about 40% of eligible employers have done so. I want to bring businesses with us, but if in due course there is no action, that option remains open. At this stage, we want the transparency created by reporting figures to be met and addressed further by businesses doing that for themselves through their action plans.

Dawn Butler: Will the Minister consider fining companies that refuse to make action plans or change their way of working, as is the case in Iceland?

Victoria Atkins: That is an interesting idea. As I said, I want businesses to take a slightly different approach to this. I want businesses to come up with their own action plans—indeed, we understand that about 40% of eligible employers have done so. I want to bring businesses with us, but if in due course that does not happen, that option remains open. At this stage, we want the transparency created by reporting figures to be met and addressed further by businesses doing that for themselves through their action plans.

Stella Creasy: I do not have long. I had asked the Minister whether she would consider the Government Equalities Office doing its own survey of the direct experiences of women of the impact of the data. I again make that plea to her. It is absolutely no use us talking about that here without the data. We did that through the #PayMeToo campaign, which I hope the Government Equalities Office will look at. We know that 9% of organisations submitted data with impossible outcomes; there was 1% with bonus payments of essentially more than 100%, which does not make any sense. There are questions about the data.

The Minister talks about 40% of companies having action plans, which means that 60% do not. We could have several years of trying to refine the data, but fundamentally, women in this country are being underpaid, and our economy is suffering as a result. Please, Minister, do not think that this is just about trying to explain to Ryanair that you do not, frankly, need a penis to fly a plane; this is about what drives change. If it is not quotas, it is not asking nicely—that is what the data tells us. I really hope that she will recognise the change.
Westminster Hall

Thursday 6 December 2018

[M R PHILIP HOLLOBONE in the Chair]

BACKBENCH BUSINESS

Nursing Degree Apprenticeships

SELECT COMMITTEE ON EDUCATION
Select Committee Statement

1.30 pm

Mr Philip Hollobone (in the Chair): We begin with the Select Committee statement. Robert Halfon will speak on the publication of the eighth report of the Education Committee, “Nursing degree apprenticeships: in poor health?” for up to 10 minutes, during which no interventions may be taken. At the conclusion of his statement, I will call hon. Members to put questions on the subject of the statement and call Robert Halfon to respond to those in turn. Hon. Members can expect to be called only once. Questions should be brief.

1.31 pm

Robert Halfon (Harlow) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone.

Apprenticeships are an incredible part of the ladder of educational opportunity. They bridge the gap between education and employment, which too often—at least in England—is a chasm crossed by only the most advantaged and best prepared young people. As that chasm becomes ever more apparent, apprenticeships are becoming less of a niche alternative to A-levels and a traditionally academic degree and more of a mainstream route into work. They use both the classroom and the workplace and provide, I would argue, a more rounded experience, with people better prepared for their chosen careers as a result.

That combination of the practical and theoretical is part of the reason that nursing, an inherently practical profession underpinned by a strong grip of science and theory, should be so perfectly matched to apprenticeships, but that is not yet the case. Nursing apprenticeships are stuck in a maze of bureaucracy, with needless stubbornness and inflexibility getting in the way of making them a success. NHS Employers told us: “I think the particular frustration for my members is that we see our colleagues in the university sector moving as quickly as they can on the regulatory piece with the NMC; we see support from the unions in widening participation and support from within the profession more broadly; but we...see inflexibility in the apprenticeship levy as a matter of policy, which means that it is a very expensive way of training a nurse. It means that we cannot properly fund the time that we need to release on nursing apprenticeships.”

I was saddened to discover that only 30 people commenced a nursing degree apprenticeship last year. While one could argue that the target of 400 was perhaps not the most ambitious, we on the Education Committee are fans of quality over quantity. Since April 2017, the Nursing and Midwifery Council has approved 19 nursing degree apprenticeships, and it currently approves 61 providers to deliver nursing degrees in England. I understand that, according to Health Education England, there have been 700 starts on the registered nursing apprenticeship programme to date.

However, even by the Government’s modest target, 30 could not be considered even a qualified success. We were worried that something was going badly wrong here—that the patient was even more ill than it first seemed. That is why we have done this inquiry and taken evidence from a range of organisations in the health sector, including Ministers.

The previous Government, of which I was proud to be a part, set a target of 3 million apprenticeship starts and introduced the apprenticeship levy to incentivise large employers to play their part in what must be a national priority if we are to build an apprenticeship and skills nation. There is no employer in the country larger than the national health service. While not all apprentices in the NHS need be nurses, anyone with even the most casual acquaintance with our healthcare system will know that nurses are the lifeblood of the NHS, accounting for one quarter of the workforce—around 300,000, according to the Nuffield Trust.

We can immediately draw two conclusions: first, set against the whole nursing workforce, 30 starts is tiny. Secondly, for apprenticeships to succeed, not only in the NHS but in the country, it is vital that we have many more nurses entering the profession as apprentices. The lack of nursing degree apprenticeships shows a lack of foresight and strategic direction. As a Committee, we are keen to defend the status of degree apprenticeships against the suggestion that they should be just another part of the system. I was really disappointed to hear the director of the Institute for Apprenticeships say that he was “agnostic” in respect of degree apprenticeships.

We need to make degree apprenticeships a success, or we will never break the near-monopoly that the three-year undergraduate course has on the aspirations of many 18-year-olds. What became clear in our short inquiry was that a perfect storm of intransigent funding systems was getting in the way of realising the increase in nursing degree apprenticeships that we so badly need.

First, in establishing the apprenticeship levy, the Government quite rightly attached strict rules to what funding could be used for, but those rules do not cater for the unique aspect of trainee nurses, which is that they have been supernumerary. That is to say, they cannot be counted in determining whether a hospital is fully staffed and they cannot work unsupervised. The NMC has now decided that employers can decide whether nursing associates should be supernumerary or learn via protected learning time. Protected learning time provides for a programme of one day a week in university and one day a week in a placement setting, where they are not counted in the staff numbers, as a minimum. The NMC has said this will be reviewed in 2019.

We were told by NHS Employers that the additional cost of backfilling was “a significant financial burden for NHS organisations wishing to offer the Nursing Degree Apprenticeship, and is proving to be a disincentive for establishing Nursing Degree Apprenticeship programmes.”

Nursing degree apprentices must also undertake off-the-job training for 50% of their hours, which has a knock-on effect for funding. I am sure that none of us here would
say that was a bad idea, but none the less the NMC is holding a consultation on the supernumerary status of trainee nurses. The problem is that the numbers do not add up for the NHS to take on nursing apprentices, as opposed to other routes into the profession.

Secondly, the removal of nursing bursaries and their replacement with loans has presented a challenge, particularly for mature students. I am a strong advocate of people undertaking apprenticeships later on in life—indeed, at all stages of life. We must make it possible for somebody with a family or other substantial financial obligations to become a nurse apprentice if they wish to do so. Thirdly, the funding band for nursing apprenticeships barely covers the costs of delivering the course and is less than universities receive in tuition fees for a comparable qualification. That makes absolutely no sense at all.

Ours was a short report—41 crisp, clear paragraphs. Our principal recommendation was that the Government should permit greater flexibility in the use of the levy for the NHS. I am well aware of the arguments in favour of having a single approach to apprenticeships, partly because consistency is a virtue in itself, but also because when flexibility is permitted in one case, it will be sought in others. I accept that argument, but it is a strategic priority of the Government to have more nurses and to support the NHS, and nursing is an exceptional profession and definitely worth making an exception for. We need the professional bodies, the NHS and the Government to throw their weight behind nursing degree apprenticeships. I hope that the Department for Education and the Department of Health and Social Care will think very carefully before responding to our report.

Section 21 Evictions

1.38 pm

Ms Karen Buck (Westminster North) (Lab): I beg to move,

That this House has considered the use of Section 21 evictions in the private rented sector.

It is a pleasure to open this debate under your chairmanship, Mr Hollobone, and to do so in the presence of the Minister. I know that she is responding to a debate on the private rented sector for the second time in two weeks. I apologise for that, but I think it reflects the extent of concern about some of the issues in this rapidly growing housing sector.

This debate is the culmination of a campaign that has been run on behalf of a number of organisations working with private tenants, including Generation Rent most specifically, the London Renters Union, the New Economics Foundation and ACORN, which run the End Unfair Evictions campaign and have encouraged people to speak up about their experiences. The social media presence on the issue demonstrated some quite extraordinary experiences that tenants have had with homelessness and insecurity as a result of the use of a section 21 notice.

The campaign has also received backing from Children England, Independent Age, Age UK London, Crisis, the Salvation Army, Mind, Z2K and Shelter, which gave us a very good briefing on the issue. More than 50,000 people signed a petition calling on the Government to give renters more stability and certainty in their homes by abolishing section 21, which gave us the opportunity to have the debate. The petition ran for 10 weeks and was handed to the Secretary of State for Housing, Communities and Local Government at the end of August.

What is section 21, and why are we specifically concerned about it? Most private and some social tenants now live in assured shorthold tenancies. In order to bring those tenancies to an end, landlords have two options: section 8, which enables a landlord to regain possession before the end of a tenancy on one or more of several different grounds, or section 21, for which the landlord must give two months’ notice of the intention to seek possession. On the expiry of that notice period, the tenancy is not ended, but the landlord can bring accelerated possession proceedings based on the section 21 notice. Unless there is a defence, which can only be that the notice is not valid, the courts must then grant a possession order. If the tenant does not leave, the landlord can seek a warrant of possession and a bailiff’s appointment for eviction.

Section 21 notices cannot be served under specified circumstances, such as when a deposit has not been protected, if the landlord does not have a required licence, after the issuing of a council improvement notice or if the landlord has failed to provide a valid energy certificate, gas safety certificate or a “How to Rent” guide.

Alex Sobel (Leeds North West) (Lab/Co-op): My hon. Friend is making an excellent speech. I have many private renters in my constituency and one issue that they bring up with me about section 21 is revenge evictions. Is that also a concern of hers?
Ms Buck: It is very much a concern. I will come on to retaliatory evictions in a minute when I talk about why we are concerned about the use of section 21 and the balancing alternatives.

Abolishing section 21, which my remarks are aimed at, would, in practice, make fixed-term tenancies irrelevant. I know that the Government are also interested in, and have consulted on, longer tenancies, in order to provide greater security in the private rented sector. Although I am sympathetic to that idea, I am increasingly of the view that, rather than adopt an arbitrary target for the length of tenancies, we should change the framework completely and ensure that the default is a longer tenancy, unless and until the landlord has a legitimate need to recover the property or if there is a fault on the part of the tenant. However, as I will remark later, that must be balanced with other changes that meet the legitimate concerns of landlords.

Why do we need to change this framework? A Conservative Government introduced section 21 of the Housing Act 1988 as part of a deregulatory approach to the housing sector, at a time when the private rented sector was in a very different place from now. It had been in long-term decline over a great many decades, and the Government felt that deregulation would be one way to boost it. Indeed, the sector has been utterly transformed from the landscape we saw 30 years ago, doubling to 4.7 million households. That is by no means solely the result of deregulation; the obvious decline in the social housing sector and the crisis in the affordability of home ownership are also important factors.

The sector also now has a very different profile, compared with a few decades ago. For many of us, renting was a transitional housing tenure. When starting out in life, many of us rented privately—I certainly did for several years—but often on the way to home ownership. Very few of us, particularly those who were bringing up families, expected or wanted to be in the private rented sector for life. However, we are now seeing a change in that profile, with four in 10 private renters now families with children. The recent Rugg review demonstrated that the private rented sector is also home to a growing proportion of highly vulnerable tenants who have been discharged into the private rented sector who would previously have been accommodated through the homelessness route. We are also seeing, inevitably, an increase in the number of older tenants who expect to live out their retirement in the private rented sector, which was extremely unusual at the time of the 1988 Act.

If the sector has changed beyond recognition, policy towards it must also change, to address some of the unforeseen consequences of those developments and to make sure that the sector works well and fairly for both tenants and landlords. A healthy rental sector is important for the housing mix, and it is important to acknowledge its flexibility, often as a starter accommodation. It is also absolutely essential to recognise that most landlords are good and responsible and provide a decent quality of accommodation.

Andy Slaughter (Hammersmith) (Lab): My hon. Friend is right that most landlords are responsible, but that is not really the point. The point is that the 1988 Act, and section 21 in particular, allowed housing to become a commodity. Landlords can simply treat it as an asset to be traded and sold to increase their profits or income. Housing has no structure as a home under that Act. That is the basic flaw.

Ms Buck: That is absolutely right. It is important to address the points from landlords. Having seen some of the concerns expressed by landlords in the social media commentary in the build-up to the debate, and having spoken at the Residential Landlords Association conference and at other conferences, one hears from landlords that they feel unfairly treated and tarred with the same brush as the rogue minority, which I think is probably fair. Unfortunately, the rogue minority bring down the sector as a whole. However, addressing section 21 is not about the behaviour of the small minority; it is about recognising that there is now a structural imbalance in tenancies that unexpectedly provide long-term homes for a much wider spectrum of society than was previously the case.

Wera Hobhouse (Bath) (LD): Is it not true that we want to make sure that good landlords remain good landlords? This change is not against them. If they do the right thing, they should not be afraid of what we propose.

Ms Buck: It is absolutely true that good landlords should have no reason to fear a change in policy that reflects the differences in the demography of the sector, but I know that some do. It is also fair to say that the minority of landlords, whether we are talking about housing conditions—I acknowledge the Minister’s consensual approach to the Homes (Fitness for Human Habitation) Bill—or security of tenure, bring down the reputation of the sector as a whole, which needs to be addressed.

Some of the better landlords may not have among their number the person who posted on social media before the debate:

“We need to fight to protect section 21…2 months is plenty to find a new rental…although if a tenant has annoyed me I wait to pull the trigger in mid-November to screw up their Christmas”.

That is not the behaviour of the overwhelming majority of landlords, but it is certainly not helpful to their wider reputation.

Liz Twist (Blaydon) (Lab): I thank my hon. Friend for her excellent speech. Does she agree that section 21 evictions can upset the stability of family life? My constituent was forced to move to a different area because her tenancy came to an end, upsetting her caring and family arrangements.

Ms Buck: That point is absolutely central to the argument, and I will come to it in a minute.

On the point about the behaviour of a minority of landlords not doing a great deal for the cause of the majority, there was also on social media the letting agent who said in respect of the payment of a tenant’s renewal fees:

“As far as I can see if the tenant doesn’t pay the renewal fee, DON’T renew the tenancy. Simples…You could always serve S21 and replace them.”

That cavalier attitude to security of tenure is completely unacceptable, but we have a legislative framework that allows a number of landlords to behave in that way. I
say to people who are doing that, “Guys, you are really not helping your own case or the cause of the business sector for private rented tenure, and I would advise you to think very carefully about the way you express yourselves.”

What has happened to the use of section 21 over time, and why do we need to consider our longer term approach? It is extremely hard to obtain accurate information from landlords about their use of section 21 notices, and the large majority of tenants who leave assured shorthold tenancies do so after the service of a notice without court proceedings. I think that in the private rented sector debate last week the hon. Member for Harrow East (Bob Blackman) said—I believe this to be true, and have seen anecdotal evidence that it is true—that there are landlords who issue section 21s routinely at the end of a six-month period in order to be prepared for exercising those rights at the end of 12 months. That builds in to tenants’ experience instability of exactly the kind that hon. Members have mentioned today.

The actual number of section 21 notices served is unknowable. However, we know that in 2017 there were 21,439 possession claims under both section 8 and section 21 and 6,260 actual possessions, and a further 29,601 claims and 12,953 possessions under the accelerated procedure. That is a lot of uses of section 21.

We also know from Government homelessness statistics that the ending of a private tenancy on a no-fault basis has become the single largest cause of homelessness, currently representing more than half of all homelessness applications. That is critical. An analysis by Generation Rent claims that 92% of the rise in homelessness cases caused by the end of a private tenancy in London, which of course has the largest share, regionally, of national homelessness cases, can be explained by no-fault evictions. The figure is only slightly lower—88%—outside the capital.

Andy Slaughter: The major trauma, of course, is for the tenants being evicted, but there is also an impact on local authorities, because if a landlord is using the section 21 process—often the notices are served at the beginning of the tenancy as protective notices—they are simply using it as a way of regulating their business, knowing that if the tenant is in priority need, they will be picked up in some way by the local authority, which obviously puts additional costs on the taxpayer.

Ms Buck: Of course it does. As we have been discussing in the context of the Homelessness Reduction Act 2017, local authorities, because of the sheer pressure of homelessness applications, are also expecting tenants to wait until the court order has been issued and to wait until the bailiffs have been instructed and a date for the bailiffs to arrive has been received before they will consider the homelessness application. Landlords hate that, and one can understand exactly why—because of the insecurity about what happens to their rental payments. But the tenants absolutely loathe it and find it wholly traumatic to have to wait, often with their children, for the bailiffs to turn up before they can be rehoused by the local authority.

Research by the Joseph Rowntree Foundation last year found that the number of private tenants being evicted had risen by one fifth, that the overwhelming majority of the increase in possessions was driven by section 21, and that that was highly concentrated, with four out of five such repossessions being in London and the south-east, where rents are highest. It is precisely that concentration of section 21 use in certain areas correlating with the areas where market rents have risen most rapidly that I think is a real cause for concern.

The London boroughs identified by the Joseph Rowntree Foundation were all in the top 10 for the largest and fastest market rent increases from an initially low level. Although correlation must be treated cautiously, it is hard not to conclude that there is causation between increases in market rent levels and the use of section 21, whether that involves evicting tenants in rent arrears because of high rent levels, or evicting tenants in order to raise rents.

If anything, the flattening off of possession claims over the period 2015 to 2017—that has flattened from a period when it rose very steeply—has happened at a time when the private rental market has been under pressure from several other directions. It tends to reinforce the point that section 21 use reflects wider trends in relation to rents and that, crucially, we cannot stop worrying about it because there has been something of a flattening off in the last couple of years. If anything, now is the moment when we need to review the law, because if rents start picking up again, as over the longer term they almost certainly will, we will find that there will be a further acceleration in its use.

The Residential Landlords Association makes the case that its research shows that in half of all places where section 21 notices are served, that is because there is an alleged fault, such as rent arrears, but that argument is somewhat undermined by the local authority homelessness experience, because local authority acceptances of people who have been evicted from the private rented sector will happen only after there has been an inquiry into the cause of homelessness and it has been found that the homelessness is not a result of fault on the part of the tenant.

Homelessness is therefore a major factor in our wanting to reconsider the use of section 21, but it is of course only the sharp end of a much wider experience of insecurity. Unchosen ends of tenancies are disruptive, expensive and often traumatic for those involved. Having to make frequent moves, especially for families with children and for vulnerable and older tenants, is a deeply negative experience, even when it has not been imposed by a court order.

Shelter estimates that 27% of renters with children have moved three or more times in the past five years. That takes a toll on physical and mental wellbeing and on educational achievement. It also undermines communities and civic engagement. A very powerful case was made a few years ago by the Electoral Commission on the impact of high turnover and churn in the private rented sector. I know from my own casework, as I am sure all hon. Members do, just how distressing parents—it is not only parents, but it is parents in particular—find it to have to move around, changing schools and disrupting support networks. I could have chosen dozens of cases from my own case load to illustrate that point, but I have chosen the details of just one to read out—it is only a few paragraphs—with your permission, Mr Hollobone.
My constituent says:

"I have lived in this area for over 30 years. Due to overcrowding in our family home I was asked to leave in 2010, at which point I made a housing application to the local authority. They continue:

The Council accepted a...duty and provided us with temporary accommodation in East London. We stayed in Dagenham for a short while before being lured back to Westminster by the Private Sector Team, reassuring us that this was a better option...When we signed a private tenancy we were promptly notified that the council has discharged its duty towards us because we have accepted private rent. We only rented for a year before the Housing Benefit was reduced under the new welfare reforms. As we could no longer afford the rent, we were obliged to find alternative accommodation".

Despite their need for three-bedroom accommodation, they moved into two-bedroom accommodation. The council said that it could not and would not help us. I have a local connection as I have family here. I look after my elderly father", who has cancer.

"I have 3 dependent children...attending local schools. I sit on the board of governors and play an active role in the...running of the school. I am...a member of the Parent Council."

My constituent says that they are "employed...and have served 18 years" in their job in the local area. They say they have been served another "Section 21 Notice by the landlords Agents requiring possession of the flat on 02nd October."

That will be the family’s fifth move in eight years. It is a simple example. It involves no fault, no arrears, no bad behaviour on the part of the tenants, but an imposed move of a vulnerable local family, and it is only too typical.

Renting privately is overall less secure than other tenures. Some 860,000 tenants moved between private rentals in 2016, up from 465,000 20 years ago, and one in 10 movers said that their move was down to being given notice by their landlord.

My hon. Friend the Member for Leeds North West (Alex Sobel) talked about retaliatory eviction. A significant minority of tenants fear retaliatory eviction if they make a complaint and so may be deterred from pursuing their rights for fear of the consequences. That unfortunately undermines efforts to improve standards in the private rented sector, despite its having, of all tenures, the highest level of substandard accommodation.

Alex Chalk (Cheltenham) (Con): The hon. Lady is making a powerful speech, and the examples she is giving emphasise why it is important to re-examine the balance in this area; she has made that argument powerfully. Has she made any assessment of what the potential impact could be on the pipeline of available housing? I am always mindful in this place of the law of unintended consequences. I would be interested to hear her thoughts on that.

Ms Buck: It is a fair point. As always, a balance has to be struck. The private rented sector is important, and as much as we would like to build more social housing to accommodate some of the people in it, that would take longer than we can afford to take to accommodate the people in the pipeline. That has to be considered. It is fundamentally unknowable, because it cannot be taken out of the context of so many other aspects of housing need and supply, including the Government’s 2015 tax changes, which landlords are extremely concerned about, and the overall number of tenants seeking accommodation.

The fact is that if we get the balance right and remove no-fault from the equation, and if we concentrate on providing a means for landlords who legitimately need to recover their property for whatever reason and deal with some of their concerns about the operation of that system, there is no reason on earth people should regard that as unacceptable.

Melanie Onn (Great Grimsby) (Lab): I know that it is unusual to make an intervention from the Front Bench, but the situation that the hon. Member for Cheltenham (Alex Chalk) describes is simply one of displacement, which would not solve the long waiting lists that people are experiencing for social housing and affordable housing, and would not give anybody security of tenure. The issue he describes is not the equivalent of bed-blocking.

Ms Buck: That is absolutely right.

Andy Slaughter: To add to that interesting argument, section 21 has been abolished in Scotland, which is a different jurisdiction and a different housing market, and has been replaced by a regime in which there are mandatory and discretionary grounds for possession. As I understand it, the objections from many landlords are about the complexity and the expense of the court process as much as anything. It is quite a difficult argument to put forward—although I am sure that the hon. Member for Cheltenham (Alex Chalk) would do it well—that it is simply too difficult for landlords and it should be unrestricted for that reason.

Ms Buck: I am grateful to my hon. Friend for that point. Certainly the landlord associations and landlords make the argument that the court process takes too long and is too complicated and, in many cases, too expensive for them to operate. I am unconvinced by that argument, because the figures that the landlord associations have put forward for the period of waiting for a court date or until a warrant can be issued are significantly different from the figures that the Library has provided for the debate. I am not sure that the associations are not using a different definition of average to make their case.

Obviously, once a landlord has decided that they want to recover a property, they will want to do so as quickly as possible—that is inevitable—but whether the period that landlords have to wait and the quality of evidence that they have to provide if they are seeking a fault-based eviction should be lowered to make it easier for them, to the point where it effectively allows them to act without due regard for the rights of tenants, is a highly moot point.

Alex Chalk: I am entirely persuaded that landlords who issue a notice in a cynical, cruel and egregious way—in an almost deliberately upsetting way—should not be in a position to do so. The difficulty is in what an appropriate pretext or legitimate reason to seek to end a tenancy is. Can the hon. Lady say more about how she would crystallise and identify what amounts to a good cause?
Ms Buck: As my hon. Friend the Member for Hammersmith (Andy Slaughter) said, there is the experience to Scotland. It is early days, because the Scottish changes took effect only last year, but they give us some guidance as to how it might be possible to move forward. It will be good to see how it works when we start to get some figures.

Clearly, where landlords have a legitimate wish to recover the property, because they wish to live in it or make use of it—if it is a landlord’s home and they wish to return to it—that would clearly be a ground. There has to be some guard against that being open to abuse, however, which seems to be the case from some anecdotal evidence in the Scottish experience.

There are also fault-based grounds, such as where a tenant commits antisocial behaviour or is in rent arrears. There are grounds—that work has already been done—and it is completely reasonable that they should be allowed to exist and that, when a landlord takes a claim forward, it should be reasonably expeditious for them to pursue it.

The Government are consulting on the housing court, which I have mixed views about. It is important that tenants should have their interests represented and be legally aided in doing so, but there are questions about how that might operate, so the debate is certainly worth having.

It is absolutely right that a balance has to be struck. The work is well under way to provide an alternative, and that has to be done in consultation with the landlords associations, which have made a thoughtful and responsible contribution. However, we should be concerned about the homelessness experience; the scale of the use of section 21; the insecurity that tenants are experiencing, which has a disproportionate impact on families with children and on vulnerable tenants, as was well explored by the Rugg review; and the dangerous wider perception in the public’s mind that the private rented sector is not somewhere they can expect to enjoy long-term security, but somewhere they are utterly disempowered in cases where that is a reality.

The picture varies in different parts of the country. It is particularly acute in places such as London, where rents have been highest, so I am also extremely pleased that the Mayor of London has undertaken some work on section 21, security and affordability, and that he will make a research-based contribution to the debate.

I urge the Government not to throw this baby out with the bath water. The Government are rightly interested in greater security of tenure, but the framework of section 21 has existed for 30 years and the landscape has been utterly transformed in that time, so we need a section 21 has existed for 30 years and the landscape has been utterly transformed in that time, so we need a

I am grateful to my hon. Friend for circulating a briefing in advance of this debate, which notes that there were 12,711 evictions by bailiffs under section 21, which was recorded by the Ministry of Justice under the “accelerated” procedure. However, that figure is a baseline; it is really the tip of the iceberg, with the vast majority of tenants actually moving out without going through the daunting court process.

I will now mention some of the issues in my constituency; they are different from those in the inner-city areas of London, but they are very real, and in some respects probably more acute. I have seen constituents move from one bad landlord to another and from one dilapidated house to another. It is a never-ending cycle of debt and disruption, which traps families in poverty. And no matter how hard they try to escape, it seems that they are caught in a vicious circle.

I hope that the Minister is aware of Horden in my constituency. I have raised the problems of the private rented sector there on a number of occasions. Indeed, I invited the Under-Secretary of State for Housing, Communities and Local Government, the hon. Member for Rossendale and Darwen (Jake Berry), who is the Minister with responsibility for the northern powerhouse, to visit Horden. He promised that he would do so, but has not so far. In addition, I have written to the Minister for Housing, the hon. Member for North West Hampshire (Kit Malthouse), inviting him to visit and discuss some of the particular problems that we have and how they might be addressed.

We have a flawed system that completely lacks balance, as my hon. Friend said. The housing security enjoyed by the post-war generation has been systematically eroded through the right to buy, the failure to build truly affordable low-rent social housing, and the boom in the buy-to-let sector. Those factors have moved many tenants from housing security to housing insecurity in the private sector. The right to buy, coupled with the failure to build, has created generation rent, as my hon. Friend said, and our children are paying the price. They are financially excluded, and for many home ownership is a distant dream. Their reality is insecurity and relatively high-cost private rents with few enforceable rights.

We must address the issue of tenants’ rights. The private rented sector has substantially increased, even in my time in the House. The private rented sector comprised just 9% of households in 1988. It has more than doubled since then and today accommodates one in five households.

Clearly, section 21 of the Housing Act 1988 and “no fault” evictions create—indeed, add to—a one-sided power imbalance, with landlords having practical rights while tenants have what are, in effect, unenforceable paper rights. This power imbalance encourages poor management practice, with tenants worried about challenging rent rises and often afraid to ask for essential repairs because they fear eviction.

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Without going into too much detail, I will just mention that some of the problems arise from the withdrawal of Accent Housing and the subsequent fire sale auction of houses in Horden, which led to an influx of absentee landlords with little interest in their tenants. We talked a little earlier about the tale of landlords who are not acting in a socially responsible manner, and that is certainly evident in some of the former mining communities that I represent in east Durham. Many people now find themselves living among derelict houses. Dilapidated housing, smashed windows, arson and fly-tipping are the epitaph of a failed private rented sector market in Horden, in my constituency.

Frankly, the situation in Horden is nothing short of a national housing scandal and I hope that the Government will engage with this issue, because we cannot sit by passively and see the situation continue. I hope that the Minister and her colleagues will prove me wrong.

My own local authority, Durham County Council, is nearing the publication of a Horden master-plan to address some of the issues with the private rented sector. It will set out a range of options and I hope that if we can work with the council, it will help to deliver some housing regeneration. However, there is still a need for Ministers to engage and support the proposal with appropriate funding, because we have an influx of absentee landlords, housing conditions are poor and tenants are being exploited. I am glad that my local authority is now seeking to challenge that situation.

I am told that it is not a formality to get an authority-wide landlord licensing scheme. I had thought it was a formality, but I understand that the Government have some reservations about such schemes.

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler) indicated dissent.

Grahame Morris: The Minister is shaking her head. However, where we have had a landlord licensing scheme in a small defined area, that has proven to be effective. However, that has simply pushed the problem into another area.

The consensus is around a scheme that I believe has worked very effectively both in Liverpool and in Newham in London. I am grateful to my hon. Friend the Member for Liverpool, Walton (Dan Carden), who has hosted visits from local elected representatives.

Lyn Brown (West Ham) (Lab): We had very fruitful discussions with a Minister about the need for a private sector blanket ban in Newham. The only bit that the ban does not cover currently is the new build in the Olympic village. That has meant that there has not been anywhere else in Newham for people effectively to fly to, in order to escape even worse conditions. We had a very effective conversation with the Government. I urge my hon. Friend to keep pushing at this issue, because that ban has made a real difference to tenants in my constituency.

Grahame Morris: I am grateful for that intervention; it is really helpful. I think that such a policy will make a difference and we will keep pushing for it. It is not our intention to introduce a blanket ban on private landlords: we simply want to have a scheme whereby the absentee private landlords will behave in a reasonable fashion, including towards their tenants.

In conclusion, I support the abolition of section 21. Abolition would strengthen tenants’ rights. However, until we address the wider housing crisis, for example by building a new generation of social housing properties in the numbers that we did in the 1960s and 1970s, the national housing crisis will worsen. I saw some figures recently that showed that up to 40% of the council houses that were originally built are now in the hands of private landlords and on average the rents are double what they were when they were in the social sector.

Our children will be burdened with high rents or unmanageable mortgage debt, and they will live in insecurity, worried about repairing repairs or poor housing conditions for fear of eviction. Our communities will also be burdened—particularly those in villages such as Horden in my constituency—as properties are mismanaged by absentee private landlords, whose interests seem to lie in making quick profits rather than in engaging with others to make a sustainable community. So I hope that the Minister will listen to the concerns of my constituents and those of Members from all parties in the House, and that she will take the time to examine this issue and consider how she could help to transform and regenerate not only housing but the life opportunities of many people, including those in the communities of Horden and east Durham, who I represent.

2.16 pm

Wera Hobhouse (Bath) (LD): It is a pleasure to serve under your chairship, Mr Hollobone.

I congratulate the hon. Member for Westminster North (Ms Buck) on securing this very important debate. I still consider myself to be a new MP, but the number of people who have contacted me in my constituency of Bath about this issue has been shocking. It is really difficult to hear these heartbreaking stories and not feel that we need to do something about this issue very urgently.

The housing crisis and severe shortages of social housing mean that more and more vulnerable people are reliant on the private rented sector. There are now 4.3 million households in privately rented homes. According to the English housing survey, more than half of renters are aged over 35 and the private rented sector is home to one in four families with children, with 20% of the families in private rented homes having a baby or an infant under the age of five.

The hon. Lady has already related to us the severe

impacts of insecure tenancies on family life. I am a member of the all-party parliamentary group on the prevention of adverse childhood experiences, and that type of situation is exactly one of these adverse childhood experiences, which invariably lead to children struggling at school, and from there on finding it difficult to get qualifications. Such situations early in life lead almost directly to later adversities, so we need to do something urgently for families in these very insecure housing situations.

As a result of the lack of social homes, more and more people have no other choice but to rely upon privately rented accommodation. Section 21 evictions lock these individuals into situations where the landlord has total control, creating a culture of uncertainty whereby tenants are afraid to exercise their rights.

In conclusion, I support the abolition of section 21. Abolition would strengthen tenants’ rights. However, until we address the wider housing crisis, for example by building a new generation of social housing properties in the numbers that we did in the 1960s and 1970s, the national housing crisis will worsen. I saw some figures recently that showed that up to 40% of the council houses that were originally built are now in the hands of private landlords and on average the rents are double what they were when they were in the social sector.

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Section 21 evictions are known as “no fault” evictions and they are highly damaging, because they mean that a landlord can evict a tenant at two months’ notice without offering an explanation and without the tenant having breached the terms of their contract. That forces the evicted tenant into unwanted and undeserved financial strain. On average, an unwanted house move costs around £2,306. Understandably, many families find this cost impossible to pay, so they end up in debt and struggle to afford alternative accommodation. We have heard that the biggest reason for homelessness is now the end of a private sector tenancy. That is a serious problem in my constituency, where the prices of rented accommodation have shot up in recent years. I would like to share the story of one of my constituents, who wrote to me about her eviction; I hope it illustrates the very real consequences of the uncertainty in the private rented sector.

My constituent lived alone with her daughter in a property they had rented for four years. Despite making promises when they moved in, the landlord never made repairs, and rubbish that was left by a previous tenant was never removed from the property. My constituent, who suffered from both anxiety and depression, was incredibly distressed about the landlord’s refusal to pay for or complete repair work. She repeatedly tried to get the landlord to listen, with no progress. Eventually, worn down by the stonewalling, she withheld rent for a very short time. Within a matter of days she was issued with an eviction notice, requiring her and her daughter to leave the property within eight weeks. She had not breached her tenancy agreement. She described her situation this way:

“I have nowhere else to go. I haven’t breached my tenancy agreement and therefore feel it appalling that I have been requested to leave within 8 weeks. My daughter and I are going to be homeless in the winter. I have registered my application for general needs accommodation but as the housing crisis is so very real I worry I could be on the list for years before I am offered a property. I cannot afford to rent anywhere else privately in Bath. My daughter goes to school in Bath and I don’t own a car therefore it is completely impractical for me to look to rent elsewhere. I am at my wits end. I don’t know what else I am supposed to do.”

These are real stories. These are the people who talk to us directly, and we Members need to listen.

Section 21 evictions permanently tilt the balance of power towards landlords and cement a culture of fear, in which tenants are afraid to stand up for themselves. Given the threat of losing a cherished family home, unwanted financial pressure and the risk of homelessness, that cannot be surprising. Section 21 evictions and short-term tenancies have a direct impact on the ever-expanding problem of homelessness across this country. We must review the policies that govern the private rented sector, to ensure that tenants have freedom and security. Of course, at the bottom of this problem lies the severe shortage of social housing, and we Liberal Democrats committed at our autumn conference to build 100,000 new homes for social rent every year in order to address the housing crisis, which is so very severe. Ultimately, only the social rented sector will secure the long-term and affordable tenancies that we need. However, in the meantime we must reform the private rented sector, making it fit for purpose.

In the rapidly changing context of our housing crisis, there has been an ongoing failure to protect tenants’ interests, which cannot be allowed to continue. The charity Shelter has asked for all leases in the private sector to be no shorter than three years, as proposed in a recent Government consultation, and I hope the Government are seriously looking at that proposal. The growing housing shortage, especially of affordable housing, has made it imperative that we in this place look at how we can reform the private rented sector to avoid throwing hundreds of thousands of people into destitution and homelessness.

First, it is worth emphasising that a house is not like any other commodity: it is not like anything else that one might consume. It is a matter of supreme, central importance to the security of individuals, their sense of wellbeing and their mental health. In those circumstances, it is critically important that we have a framework in place that ensures that on the one hand, there is a sufficient pipeline of that essential resource, and on the other, the pipeline is regulated in a way that is fair to all parties, particularly those who dwell in those houses.

It would be unfair to suggest that we have not come an awfully long way, and this Government can take some credit for the extent to which they have properly rebalanced the tenant-landlord relationship. I am thinking, of course, about the Homes (Fitness for Human Habitation) Bill: it is axiomatic that homes should be fit for human habitation, and I am glad that that Bill will be in statute. I am also glad that there is a more rigorous system of penalties for rogue landlords who act in a capricious and vicious way, or do not take proper account of the wellbeing of their tenants. I am thinking, of course, about legislation regarding carbon monoxide detectors and so on. The penalties are now far more severe—financial penalties and potentially even criminal penalties. That is as it should be.

I feel it would be appropriate to look again at the issue of no-fault evictions. Although it is right to say that in the overwhelming majority of cases, landlords behave appropriately and with a proper sense of their responsibility to their fellow citizens, it does cause me some unease that there remains scope in the legislation for landlords to act in a capricious way. The hon. Member for Westminster North has identified some chilling examples, and the quote that she read, while wholly unrepresentative of the broad mass of landlords, revealed that a landlord could seek to leave someone homeless over the Christmas period for vindictive reasons. That would be an act of appalling cruelty.

However, I wanted to make some other points, very gently. As the hon. Lady was right to mention and acknowledge, this is a balance, and it is important that
as part of any examination of this matter, the Government should consider what the implications are for the pipeline of homes. I say that because there is a potential risk—probably a tolerable risk, but none the less a risk—that further measures could seek to interfere with that pipeline. For the reasons that the hon. Lady indicated, I suspect that risk is tolerable, and if the conditions were crafted appropriately to ensure that there was a genuinely good reason to issue a notice, that risk ought not to eventuate. It would be important to allow landlords to issue a notice if, for example, their financial circumstances had changed or they were selling up to move abroad.

Any measures would have to be drawn up with appropriate flexibility. However, as long as that could take place, as long as any examination proceeded with care, and as long as projections could satisfy us that those measures would not lead to an intolerable diminution in the pipeline of available homes, the hon. Lady has a point—a point that the Government would in conscience do well to consider. We should keep this matter under constant review, and I pay tribute to the hon. Lady for drawing this important issue to the attention of the House.

Wera Hobhouse: On a point of order, Mr Hollobone. I failed to draw attention to my entry in the Register of Members’ Interests, and I do so now. I apologise that I failed to do so.

Lyn Brown: This might be the time to do mine, too. Thank you, Mr Hollobone.

2.28 pm

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone, more than ever when we have the luxury of time—such a rare event in this place.

Lyn Brown: If I had known, I would have brought my casework.

Andy Slaughter: Settle down, everyone. I do not need to speak for very long, because my hon. Friend the Member for Westminster North (Ms Buck) has done the heavy lifting for us by clearly setting out why section 21 should be banished. She has even persuaded Members from the Government Benches; let us hope that she has persuaded the Minister. I am sure that we will listen carefully to what the Minister has to say on this issue, having heard those arguments.

I also thank my hon. Friend the Member for Easington (Grahame Morris) for his speech, because the property market in his constituency is very different from that which we experience in London. Quite rightly, a lot of attention is focused on London because it is a hothouse of a market. Exploitation of tenants for financial reasons has certainly been very much on the increase with house price rises, but he correctly points out that that is a problem across the country. In some ways, we are lucky in London, in that properties tend to be valued and perhaps kept in a better state of repair. What one does not tend to see now, because the properties are such valuable commodities, is whole areas that have fallen into disuse.

On 15 January next year—just over a month’s time—it will be 30 years since the Housing Act 1988 came into effect. Assured shorthold tenancies are now, as was anticipated under the Act, the major form of tenancy in the private sector. That is not something we need to celebrate. I became a councillor in 1986 before the Act came into effect, and that was probably when I first started to get involved in tenancy matters and tenants’ rights, but it was probably not until I became a housing law practitioner from 1993 onwards that I fully understood just how dramatic a change had been wrought on the private rented market. It was quite an audacious piece of legislation. That was appreciated by practitioners and experts—there was quite a lot of fuss about the 1988 Act at the time—but it probably did not register so much with politicians or tenants, although it possibly did with landlords, just what a change we had made.

Perhaps the best way I can illustrate that change is from what I found by googling “protected tenancies”. Most tenancies before the 1988 Act would have been some form of regulated tenancy. That was the case for decades before, but many would have been protected tenancies under the Rent Act 1977. The first thing that came up when I googled “protected tenancies” was the Landlord Law Blog. I read from it not to be sarcastic—perish the thought—but because it gives insight into how landlords view assured shorthold tenancies. The post is titled, “Three ways to recognise a protected tenancy under the Rent Act 1977? (And avoid buying a property with a tenant you can’t evict?)”. It states:

“If you work in property, particularly if you are an investor, it is important that you are able to recognise a protected tenancy when you see one.

Why? Because protected tenants have long term security of tenure.

This means that you will not normally be able to evict them if you want vacant possession. Not unless you are able to provide another property for them to live in. And even then, only if it is considered ‘suitable’...The main effects of this are...The tenant can register a ‘fair rent’ which is then the only rent the landlord is allowed to charge...The tenant can normally only be evicted if he is in arrears of rent (sometimes) or if the landlord is able to provide ‘suitable alternative accommodation’, and”—shock horror!—

“If the tenant has a spouse or family member living with them at the time of their death, they will inherit either another protected tenancy (if they are a spouse) or an assured tenancy (which also has long term security of tenure!)”

The effect of all this is that you are stuck with a tenant who you cannot evict and who is usually entitled to pay a rent which is considerably lower than the market rent you could have charged had the property been an AST.

So how can you recognise when a property is being sold with a protected tenant?

Here are three tips for recognising protected tenancies.

1. The property is being sold for a low price...2. No tenancy agreement is available...3. Check the Valuation Office rent register”

to see whether a fair rent has been registered.

What could be worse than for a landlord to end up with a tenant who has protected rights? That was the norm, however, prior to the 1988 Act. Most tenants would have rights of that kind: rights of succession, rights to a fair rent and rights to be shown cause before eviction took place. In many ways, a private sector tenancy had more in common with a social tenancy than with an assured shorthold tenancy now. The irony is that the rights of social tenants have been substantially weakened under Conservative Governments, both in
terms of so-called affordable rents, which generally are not affordable, and in terms of the end of lifetime tenancies or fixed-term tenancies. Actually, social tenancies have gravitated towards that lack of security and affordability at the same time as they have declined as part of the housing sector.

I make those observations not to suggest that we simply repeal the 1988 Act and go back to the pre-Act regime, but to point out that it is within living memory—it is within my memory of my time as an elected representative—that that was the norm. Indeed, I am sure that other Members will still have protected tenants coming to them. It is very few now, obviously, because we are 30 years on, but it is usually about landlords trying to get rid of them to maximise the value of the property for sale or rent. The majority of our casework will be for social tenants or private sector tenants who are living in poor conditions or are subject to eviction because they have no security, but it is always interesting to look at the cases of protected tenants.

It puzzles me why we did not notice the fundamental change that the 1988 Act made to the way the housing market operated. One reason, which my hon. Friend the Member for Westminster North alluded to, is that the private rented market was very different 30 years ago. I suspect that the Government knew what they were doing in legislating to shift the balance of power wholly in favour of landlords. The balance had always been that way to some extent, but then it became massively so. One reason that was not noticed was that the private sector had got itself a bad name, partly for the conditions, but partly because it was no longer seen as desirable as compared with owner-occupation or a social tenancy with a council or a housing association. In 1988, 9% of homes were in the private rented sector in England. That has more than doubled to 20%. That is mainly accounted for by a decline in social tenancies across England. If one looks at London specifically, it is even more dramatic. The best figures I have are census figures. In 1991, 14% of homes were privately rented, and that is now 30%. Again, it has more than doubled. Interestingly, there has been a decline in owner-occupation from 57% to 48% and in social rent from 29% to 22% over that period.

For my borough of Hammersmith, the situation is different again. Again, the most recent figures I can get are census figures from 2011, but I am not sure things have changed much since then. A third of properties are private rented, a third are owner-occupied and a third are social tenancies. There has been a significant decline in owner-occupation and a significant increase in private rented from 23% to 32% over that 20-year period. That is a massive change in how the housing market operates. I suspect therefore that the sort of people who become private tenants now are different, too. I am not saying that having no security of tenure is good for anyone, but when, predominantly, those in private tenancies were those who would have chosen short-term rents—perhaps students or people waiting to buy properties—it was clearly less traumatic to be asked by a landlord to leave in a set period than it is for a family who want to stay and live in that area. Increasingly, it is families who are occupying private rented accommodation.

What has also changed is where someone then goes. One of the worst things that the coalition Government did—I apologise to my Lib Dem friend over there, the hon. Member for Bath (Wera Hobhouse), but we have to remember the Liberal Democrats’ complicity in all these matters at all times—was to introduce a duty to permanently discharge into the private sector those in housing need. That means that many families now have no expectation of ever getting a social tenancy. They are therefore at the mercy of a private landlord who may evict them. If they are still in priority need, they will go back to the local authority and ask to be rehoused. Due to benefit cuts and caps, that may be impossible in that area, and they may be moved a long way away. In any case, the process of recycling tenancies and moving on will occur on a regular basis.

Lyn Brown: Does my hon. Friend find in his constituency, as I do in mine, that by the time families get their social tenancy or council property they have often waited so long that the children are about to leave home?

Andy Slaughter: Take it or leave it.

Andy Slaughter: My hon. Friend is right. It is almost tormenting people, and these are the people in a preferential situation—in temporary accommodation rather than permanently discharged to the private rented sector. They may have been waiting 10 years, and just as they are getting ready to receive their one offer of accommodation—

Lyn Brown: Take it or leave it.

Andy Slaughter: Yes, take it or leave it. At that point, one of the children turns 18 and is not in full-time education. Suddenly the family is either told, “You can have a two-bedroom flat rather than the three of four-bedroom property that you need,” or, “Sorry—you’re not in priority need at all any more.” It is extraordinary that whole generations have had to grow up in wholly inadequate housing and temporary accommodation.

My hon. Friend has tempted me to digress, so I will give just one example. Many boroughs and housing associations use the locator scheme, which is the bidding scheme. Sometimes it works, and sometimes it does not, but something extraordinary happened in my borough. When the Conservatives took control of the council—I am pleased to say only temporarily—they simply abolished the waiting list. Having decided that they did not want to build any more affordable homes—indeed, they started selling off and demolishing the ones that we had—there was obviously a difficulty in rehousing people, so the waiting list and the locator scheme were abolished.

Suddenly, 10,000 people were no longer in line to be accommodated at all. Once the borough came to its senses and returned to Labour control, the list was opened again, but what happened created a hiatus of several years in people’s lives that they will never recover. In addition to the long waiting periods that people face in any event, they were not on a waiting list of any kind during perhaps the prime years when their children were growing up and going to secondary school. Again, many of them are languishing in overcrowded accommodation or unsuitable private rented accommodation.

I do not want to paint a rosy picture of the world in the 1980s. I remember some dreadful, terrible private-sector accommodation then, but at least there was sometimes redress. When local authorities were better resourced,
there were housing action areas, so we could go mob-handed, if I can put it that way, into a particular ward with environmental health officers and housing advisers. Also, legal aid was still available—actually, they were quite good days now I come to think about it.

If private landlords took the mickey in terms of the conditions their tenants were in or the way in which they treated their tenants, enforcement action could be taken. How different the situation is now, as evidenced by the fact that the Bill introduced by my hon. Friend the Member for Westminster North—the Homes (Fitness for Human Habitation) Bill—is necessary to give tenants the power, because often local authorities are no longer able to take such action.

Liz Twist: Does that not remind us that, although the Homes (Fitness for Human Habitation) Bill is a positive move, another essential part of protecting tenants and ensuring that they live in good conditions is giving them the right not to face retaliatory convictions and the right to raise their concerns without being evicted under section 21? It is therefore essential that section 21 is removed.

Andy Slaughter: My hon. Friend is right. We tend, rightly, to focus on bad landlords. I think we all agree that they are a minority, but there is some shocking practice out there. That is nothing new—some of us can still remember the age of Hoogstraten and Rachman. However, I do not think that that is what the debate is primarily about. As I said in my intervention, it is about changing the climate in the private rented sector for good and bad landlords. It is about changing the way in which the private rented sector operates, which is long overdue.

I am often asked to act both for landlords and for tenants in relation to assured shorthold tenancies. A whole industry grew up, partly fuelled by the excellent housing columns in the magazine Legal Action by their honours Nic Madge, who recently retired, and Jan Luba, who is still a sitting judge. Systematically, over many years, they indicated all the areas of housing law which practice was changing and precedents were being set in the higher and lower courts.

A whole industry developed around section 21 notices, which are actually quite difficult to get right. Landlords who think that they can do it themselves often get them wrong. Although they cannot be challenged on the basis that it is a no-fault eviction—the tenant has been a model tenant, and all the other things that we have heard—can be challenged if they have got it wrong procedurally. Often they have, but it does not get found out.

That should be spotted, frankly, by the judge, even if they are looking at the case on paper—the accelerated procedure for section 21 notices means that often such matters are not heard in court at all. Without the benefit of legal aid and legal advice, it is difficult to expect the tenant to know the process, but often the landlord does not either and it is, in fact, defective. However, it is an indictment of the way in which the housing market runs if we are reliant on catching landlords out on such procedural matters to give people security.

Ms Buck: Is it not also the case that, because tenants do not necessarily know their rights or have access to advice, many people leave their properties, and a much larger number of people feel that they have to, upon the issuing of a section 21 notice, before it goes to court, or at the point of receiving a warrant? They then find themselves judged by the local authority to be intentionally homeless because they did not stay until they were required to leave.

Andy Slaughter: I know that my hon. Friend is, like me, a great rooter around inside plastic carrier bags when they are brought into her surgery. Often one can find, among many other papers, half a dozen possession notices. Social landlords are better at this—or worse, depending on how one looks at the matter—because they often rather lazily issue notices seeking possession with no intention of pursuing them, the only purpose perhaps being to terrify the tenant. However, private landlords do it as well. They will issue section 21 notices like confetti, either as protective notices, or to try to scare the tenant off or something of that kind.

Although my hon. Friend is right that the advice should always be to stay put, to try to get what legal advice is available and to talk to the local authority housing adviser, one thing that the landlord will say is, “If you don’t go now, there will be costs when, at the end of the two-month period, I issue proceedings, or after that when I issue the bailiff notice, and you’ll have to pay them. It will be several hundred pounds at least, and if you challenge, or attempt to challenge, the action it could be more than that.”

Lyn Brown: I hate to extend my hon. Friend’s peroration because I am desperate to get in myself, but he reminds me of a constituency case in which a woman who had learning difficulties, whose son was magnificently supported by a local school, was being terrified by the landlord about her eviction. She left on the date that he told her. The council then had the issue of intentionality, and she has ended up, because she just could not cope with the stress, in a small village outside Bradford, and her little boy is simply not getting support. Had I known that we were going to have a long debate today, I would have brought every single one of those cases to lay before the Minister. Some of the stories that we hear, and know to be true, are just appalling.

Andy Slaughter: If my hon. Friend wants to pop back to her office, I can keep things going until she comes back.

Lyn Brown: I have no doubt about that.

Andy Slaughter: What my hon. Friend says is absolutely true: tenants are damned if they do and damned if they don’t. If they leave too early, they can be criticised by the local authority; if they leave too late, apart from the cost risk, they may find that time has literally run out. Increasingly, tenants are coming to me and saying that they have been evicted and lost their belongings, which were in the property after the bailiffs arrived, and that they and their children are sleeping on somebody’s floor, sofa-surfing or in wholly inadequate hostel accommodation and being moved on night by night. My council acts as responsibly as it can to try to keep families together and ensure that people are rehoused in the borough or as close to it as possible, but as we all know, schooling, employment, support networks and caring responsibilities are all disrupted by the process—that is very common now.
I hope that nobody here has experienced eviction at first hand, but I am sure we have all met many constituents who have. It is one of the most traumatic things that someone can go through. The humiliation, the cost, the uncertainty, the rejection—the whole process is just appalling, and it is now accelerating as a consequence of simple greed or commercial practice. Unfortunately, with the growth of buy-to-let and temptation in the private rented market, rents are escalating at a huge rate.

Only the other day, we were talking about the difficulty of building affordable homes. I am proud to say that my local authority is now building 1,500 new affordable homes, rather than knocking them down as it did when it was Conservative. However, the rent for a new social rented home is about 20% of the market rate, which means that building it requires a huge subsidy, which is very difficult to obtain. [Interruption.] I can hear the hon. Member for Cheltenham (Alex Chalk) tutting, but he knows that that will just encourage me. Member for Cheltenham (Alex Chalk) tutting, but he knows that that will just encourage me.

In 2010, all the support for subsidy for social rented homes was removed, so it is no wonder that there has been a huge decline in availability and more reliance on the private rented sector. There is a fourfold or fivefold discrepancy in rent levels and landlords are being tempted to increase their income substantially simply by evicting tenants and replacing them with others. Alternatively, they may be thinking: “I don’t want to make more of a profit than I make already, but with benefit caps and restrictions on the rent that the tenant can pay”—given London rents, tenants will inevitably be partially reliant on housing benefit, even if they are working full-time—“I cannot afford to rent to them any more, so I’m evicting them.”

Alex Chalk: The hon. Gentleman knows how fond I am of him and his remarks, but his slightly party political point tempts me to intervene. This debate is about whether it is right to update the 1988 legislation. Does he accept that his party was in power between 1997 and 2010 but declined to do so? Does he agree that we ought to consider the matter in a more cross-party, consensual and reasonable way, rather than drawing party political points? [Interruption.] The hon. Member for Great Grimsby (Melanie Onn) is shaking her head, but does the hon. Gentleman agree that this need not be too partisan an issue?

Melanie Onn: You’re in the minority here—you should be careful!

Andy Slaughter: I thought I was making one of my most conciliatory speeches in the past 13 years. I am sure that when the hon. Member for Great Grimsby (Melanie Onn) is shaking her head, but does the hon. Gentleman agree that this need not be too partisan an issue?

Wera Hobhouse: Will the hon. Gentleman give way?

Andy Slaughter: In a moment.

I should not look a gift horse in the mouth, because the hon. Member for Cheltenham has come here to be conciliatory and supportive, so I will move on. Although I regard Labour Governments as scrupulously honest, fair and absolutely on the ball in many respects, I agree that there are one or two aspects of housing that past Labour Governments have not got 100% right. Shall we leave it at that?

Sir Graham Brady in the Chair

I think there is now a realisation that things have shifted too far in one direction. There is a willingness to look at the issue again and to effect change, whether through rent-to-buy schemes, which are a big part of the Mayor of London’s platform, through longer-term tenancies or through wholesale reform, as has happened in other jurisdictions within the United Kingdom—Scotland is the example that we have used. Labour party policy has moved on beneficially, not least since I was sacked as shadow Minister last year and somebody far more radical and impressive has taken over.

Lyn Brown: And less long-winded!

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler): We live in hope.

Andy Slaughter: We will hear from the new shadow Minister in a moment, but I hope she will not take it amiss if I say that I am particularly looking forward to hearing what the Minister has to say and finding out how far policy has moved on within the Government—not just on the rabble-rousing Conservative Back Benches where the hon. Member for Cheltenham sits with the radical, provisional wing of the Conservative party.

Can the Minister give us some indication that the issues of balance and no-fault eviction are understood? May we look forward to some beneficial changes that give security to families, particularly in high rent areas, but also—as we heard from my hon. Friend the Member for Easington—across the country? Those changes are long overdue. Whatever the merits or demerits of the 1988 Act, it is time we took another comprehensive look at housing legislation and redressed some of the obvious unfairness in the private rented sector.

2.57 pm

Lyn Brown (West Ham) (Lab): I am always delighted to follow my hon. Friend the Member for Hammersmith (Andy Slaughter), who always makes pertinent and important remarks. To carry on from where he left off, let me say that I hope the Minister hears the plea from my hon. Friend the Member for Easington—across the country? Those changes are long overdue. Whatever the merits or demerits of the 1988 Act, it is time we took another comprehensive look at housing legislation and redressed some of the obvious unfairness in the private rented sector.

I thank my hon. Friend the Member for Westminster North (Ms Buck) for securing the debate. She has already accomplished a huge amount in the fight to secure safe and affordable homes for all, and the debate is an important continuation of that campaign. I think that I can say without fear of contradiction that the
housing crisis is more severe in Newham than almost anywhere in the country. We have an enormous shortage of affordable homes, with almost 26,000 households on the council’s waiting list. The average time for a family to wait for a three-bedroom home in Newham at the moment is 13 years, and it has been higher.

I want to deviate slightly from what I was going to say to talk about my family, which was cleared from a slum in West Silvertown in 1963. I was born a little earlier. We moved into a beautiful two-bedroom flat overlooking the dying docks. It was that flat—that secure accommodation—that everything else stemmed from. My mum and dad had stability. They both worked locally, to provide for us. That home, however small and inadequate it was, gave me the ability to study, to build community support and to continue with my education in just two schools. So many children in my constituency do not have those privileges now. They have to move from school to school, or face journeys of more than an hour a day, which their families can ill afford, in order to continue having the same friends and teachers and some stability in their lives.

Instability is creating enormous difficulties for such families, and that will go on for years. Often it means that they are not registered with doctors. Often it means that the children are not fulfilling their potential in education. Often the implications of what has happened to them go on into the future. I could try a Conservative argument: there will be a cost effect for the families and for the state in years to come. Children who do not fulfil their potential at school will not fulfil their potential in a functioning economy. The children and parents who are not getting the primary healthcare they need often go on to cost the NHS more in years to come. It is a false economy not to invest in our families, and if that investment had not been made for me, I would not be here today and my little sister would not be a solicitor. It would not have happened and we would not have been able to accomplish what we have. I want the same for my constituents as was given to me.

In Newham, like many other places, the social housing stock has declined massively because of right to buy. The council did not see the return from that—the Treasury did—and it has not been able to borrow as cheaply in order to replace the stock. Half of the local homes bought under right to buy are owner-occupied, but the other half—5,000 in Newham—have made their way into the private rented sector, where rents have shot up. Rents in Newham increased by 47% in just five years between 2011 and 2016.

Wera Hobhouse: The lack of social housing is at the root of this huge problem. We should not play a blame game here, because the problem has increased under successive Governments. Does the hon. Lady not agree that it is now for all of us to work together to massively rebuild our social housing stock? Otherwise, we will not solve the crisis.

Lyn Brown: I am absolutely fully committed to building social housing and ensuring that the people I represent have proper access to it and to stability, because a single mum in my constituency, working full time on low pay with two children, living over a chicken shop, will spend 73% or more of her income on the private sector rent on even a cheap flat like that—73% or more of income, before paying for food, heating, travel or clothes.

Evictions from the private sector are now by far the biggest cause of homelessness in Newham, and homelessness is increasing rapidly. Some 14,611 people are now homeless in Newham, which is one in every 24 residents—the highest rate in the country. I genuinely believe that section 21 is one of the reasons behind the rising rents that have led to such a horrifying level of homelessness in my constituency.

I want to mention one story—I should have taken up the offer from my hon. Friend the Member for Hammersmith and nipped back to the office to get a few more. I want to tell hon. Members about Martin, who lives with his wife and two children in a rental property in Newham. The property had not been properly maintained and is not fit for a family to live in. The bathroom had tiles falling off the walls when they used the shower, and the ceiling was at risk of falling in under the weight of water that was sitting in the plaster. In his son’s bedroom, water streamed down the walls and through the ceiling, damaging the laptop that he needed to do his schoolwork. The landlord promised to act because Martin had repeatedly gone back to him in desperation, but the repairs were never done. Instead, Martin and his family were served with a section 21 eviction notice in August this year. He was given absolutely no reason why the family needed to move.

Martin is still in the property, resisting the eviction, with support from the London Renters Union. I pay tribute to the work that that organisation does in supporting many of my constituents who find themselves in similar situations. The family have been faced with illegal tactics from the landlord. He regularly sends his family members and agents to the house to try to make them leave—they try to bully them into leaving. Frankly, if it had been other constituents of mine who I am in regular contact with, that tactic would have worked by now and I would be arguing with my council over intentionality.

Martin believes, as I do, that this is a revenge eviction. By demanding their right to live in a home fit for human habitation, Martin and his family have simply made themselves more trouble than they were worth. The landlord knows that he can rent the property to someone else, probably for a higher figure, and can just sit it out and wait until they start to complain about the conditions, and then he will go through the same cycle again.

It is so distressing for a working family who are on a low income. They have had to fill out a homelessness application to the council. Given their financial circumstances, they may not be able to access any other private accommodation in Newham, because letting agent fees, deposits and rents are quite simply extortionate. Vulnerable and poor families are paying the price for a housing system that unfairly empowers landlords to carry out no-fault evictions. Our councils and our council tax payers are paying the price too. We desperately need to bring homelessness down and improve housing conditions in the private rented sector. For that to happen, section 21 just has to go.

3.8 pm

Melanie Onn (Great Grimsby) (Lab): It is a pleasure to serve under your chairmanship, Sir Graham. I start by welcoming the Minister back to her place. This is the first time that we have had the opportunity to face each other in recent months, and I am very pleased to see her.
I pay tribute to my hon. Friend the Member for Westminster North (Ms Buck) for securing this debate, and for her truly exceptional work to help those who struggle to get a long-term decent home in the private rented sector. She has been absolutely tireless in ensuring that the quality of people’s accommodation is sufficient and suitable for people to live in in the 21st century, and she is so persuasive that the Government supported her private Member’s Bill earlier in the year. I congratulate her on that.

For many of the 4.7 million private rental households in England, the risk of being evicted by a section 21 notice casts a looming shadow of insecurity over their time in the private rental market. In as little as two months after being served a notice, a tenant’s life can be turned around. For the one in four families with kids who live in rented accommodation, that can mean moving their children out of the settled environment of their school, where they have friends and connections. As my hon. Friend the Member for West Ham (Lyn Brown) eloquently said, that reduces their potential, limits their life chances and impacts on their healthcare and education. She helpfully set out some of the financial ramifications of failing in housing in the first instance, making those families move into new and strange environments. For many, their ability to raise the money for new accommodation, including deposits that can now stretch into thousands of pounds, is simply a pipe dream.

It is no coincidence that the rise of the loss of a private rental tenancy as a reason for statutory homelessness since 2010 has come in parallel with a rise in the use of section 21 eviction processes, and Generation Rent research suggests that more than 200 households a week are being made homeless through section 21 evictions. The use of section 21 has severe impacts on those who face it, yet there is no oversight of its use to ensure that it is justified, fair or proportional.

Nothing sums up better how deeply unjust the application of section 21 can be than the experience of a number of my constituents who were moved on to universal credit this time last year. During the transition to universal credit in my area as part of the pilot roll-out, a property company that housed the vast majority of universal credit in my area as part of the pilot roll-out, a property company that housed the vast majority of universal credit tenants—generally at the lower end of the market and in cheaper properties that are not always in the best condition—sent blanket section 21 notices to people in its properties. While the landlord said that it had absolutely no intention to evict tenants who did not fall into arrears, the form 6A that was handed to tenants clearly stated that they were required to leave their property on 15 January. That action by the property company left people and their families facing homelessness just three weeks after Christmas. Those tenants need not have been in significant debt arrears to end up losing their home. Only the Leader of the Opposition’s raising this matter at Prime Minister’s questions brought home to the agents just how unfair and unnecessary their actions were. On first reading, the letter indicated that the information on the form was final, and the full wording of that letter can easily be interpreted as saying that late payment by even one day would result in eviction.

My hon. Friend the Member for Hammersmith (Andy Slaughter) mentioned how those possession orders and the letters can literally terrify tenants, which is something that I experienced on a large scale only a year ago. He also commented on tenants being issued with a possession notice and being terrified. If they are deemed to have left the property too early, the local authority considers them to be intentionally homeless. How does that now work with the Homelessness Reduction Act 2017 and the local authority’s duty to prevent homelessness? The two seem to be in conflict, and I shall be grateful if the Minister touches on that in her closing remarks. I am sure that she will absolutely agree that causing families that much stress over Christmas and putting people at risk of homelessness due to Government system changes rather than to individual fault, and when they have no previous rent arrears or a track record of being a bad tenant, is not how we want the eviction process to work in this country in the 21st century, but that is completely legal under section 21.

It is not just the eviction process where section 21 has a devastating effect on tenants in England. Giving landlords the power to play fast and loose with security of tenure creates a power imbalance, which unscrupulous landlords use to intimidate or exploit tenants and to get away with improper and often illegal practices. Some of the most extreme cases of this were made clear in Westminster Hall last week during the debate on sex for rent, which was secured by my hon. Friend the Member for Hove (Peter Kyle). Shelter estimates that this issue affects 100,000 women each year.

When landlords can evict tenants indiscriminately, they can hang the threat of eviction over tenants at any time they see fit. Tenants, who are often unaware of the help that is available to them, and often unaware of their rights and where they can get advice, feel that they have very little right, even if they could afford—particularly in terms of legal support—to challenge whether they had been correctly served with a notice.

Lyn Brown: My hon. Friend spoke about tenants not knowing where to go to receive advice. One of the biggest problems we have in Newham is that there is no longer anywhere for our tenants to go for advice—we do not really have that kind of advice and services. We no longer have legal aid to look after our tenants, and we certainly do not have fully functioning and properly funded citizens advice bureaux or housing rights services, which exacerbates everything and makes it so much worse.

Melanie Onn: My hon. Friend is absolutely right. I have a personal understanding of that situation, particularly in Newham, because my mum used to work for Community Links, which suffered huge cuts in 2012, resulting in her redundancy. That was precisely the organisation that provided that kind of detailed advice, support and casework to individuals in my hon. Friend’s constituency.

When landlords can evict tenants indiscriminately, tenants do not feel empowered or that they have sufficient knowledge or support. When they think that they have a very slim chance of winning a legal case where a threat is made with no written evidence, they just think, “What on earth is the point?” and look for somewhere else to live, which can often be far out of the area, particularly in London. If a landlord is seeking to move somebody on because they want to receive a higher rent—we know that is the case due to the demand in the city—it can be impossible for people to find similar
accommodation in their locality and local community. Landlords can use the threat of section 21 eviction to pressure tenants into rent, and too often they can carry out the threat of eviction, as there are no clear checks that would allow a tenant to challenge an unfair and punitive eviction.

My hon. Friend the Member for Westminster North was absolutely right to talk about the private rented sector as the only housing option available to people, now that the ability to buy is so far out of the reach of many people's reach. She was also right to talk about how different the private rented sector is from the way that it used to be perceived. We are approaching 5 million people in the private rented sector who will be there for the long term—who will be in that sector, even if not temporary accommodation, for many years. Surely it is right that when circumstances change, we should acknowledge and accept that and say, “Yes, let’s change the policy accordingly—it has to reflect modern times.”

We need a new system of evictions in England, with proper checks and balances to prevent abuse. We know that there are numerous valid reasons why a landlord needs to evict a tenant. None of us wants to do away with a landlord’s right to evict bad tenants, sell their property or move back in, if need be, but it surely cannot be beyond our capabilities to draw up a new system that reflects that while protecting tenants. It is a case only of whether there is the will to do it. Some landlords use section 21 to carry out evictions because the current section 8 process is too slow and complex to evict bad tenants, but we do not need a no-fault eviction process to allow landlords to reclaim their properties legitimately. It is easy to prove that a tenant is in rent arrears or has caused significant damage to a property, easy to prove that you are in the process of selling a rented property, and easy to prove that you have genuinely reclaimed a property for self-use and not to rent commercially to another tenant. So simplifying section 8 and putting in a proper system that means landlords must give a valid reason for eviction—I say again—should not be beyond the means of the Government. If we create a system that provides better checks and balances, there seems to be no reason at all to keep a no-fault eviction clause that causes so much hurt for thousands of tenants around the country.

Before I finish, I want to say that my hon. Friend the Member for Easington (Grahame Morris) deserves a visit from the Government. I hope the Minister will rapidly flick through her diary to find an available date to go and look at how integral security of housing, quality of housing, availability and affordability are to people’s wellbeing and strength in his local community. A visit would be greatly appreciated.

If the Minister recognises that we have to root out bad and exploitative landlords; that we need to try to professionalise the private rented sector; that we want to tackle discrimination of renters and improve communities by ensuring that people feel invested in their properties as homes and not somebody else’s investment; and that the private rented sector is a valued and necessary part of the housing mix in this country which the Government have respected, then councils should be able to start building more social homes, hopefully she will agree with what my hon. Friend the Member for Westminster North has proposed today.

3.21 pm

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler): It is a pleasure to serve under your chairmanship, Sir Graham. I refer Members to my entry in the Register of Members’ Financial Interests. I congratulate the hon. Member for Westminster North (Ms Buck) on securing the debate and thank all those who have made wonderful contributions today for their interesting stories from across the country, which tug at the heartstrings.

This is an important issue and I am glad to be able to respond to some of the concerns raised. We are committed to rebalancing the relationship between tenants and landlords, to deliver a fairer, better-quality and more affordable private rented sector. The sector plays a pivotal role in providing homes across the country and is an integral element of the Government’s approach to making the housing market work for everyone.

On the specific points made by the hon. Members for Westminster North and for Hammersmith (Andy Slaughter) on section 21, the legal framework underpinning the private rented sector works to build a fair and robust private rented sector that protects tenants, supports landlords and empowers local authorities to deliver a healthy rental sector. The Government provide support to landlords and tenants to navigate the legislative landscape and have recently updated the “How to Rent” guides that offer comprehensive guidance and signposting to relevant resources. The Government are committed to providing practical guidance to relevant agencies and local authorities when new legislation is created.

Interestingly, according to the most recent English housing survey, 84% of private tenants were satisfied with their current accommodation, and two thirds were either very satisfied or fairly satisfied with their current tenure. However, we also recognise that many tenants feel insecure and that their house is not their home because they are on short initial fixed-term tenancies of six to 12 months. We are committed to improving security for tenants.

Section 21 provisions provide an important guarantee to landlords that they will always be able to get their property back at the end of the tenancy. The flexibility for landlords and mortgage providers to recover their asset if they need to is crucial to retaining investment and supply in the sector, including the availability of buy-to-let mortgages. I want to make this point specifically in reply to my hon. Friend the Member for Cheltenham (Alex Chalk), who has had to leave us. There are clear legal protections for tenants and a clear process that landlords must follow when carrying out a section 21 eviction.

Outside the fixed-term tenancy period, a landlord can evict a tenant using a section 21 notice, but only when they have complied with certain legal obligations. Those include protecting their tenants’ deposit in a tenancy deposit scheme, providing a gas safety certificate, and also providing a copy of the Government’s “How to Rent” guide. If, in response to a complaint about property condition by a tenant, the local authority has served either an improvement notice or a notice of emergency remedial action, a landlord cannot evict a tenant using a section 21 notice for six months. Furthermore, under the Tenant Fees Bill, we propose that if a landlord charges a prohibited fee, they will not be able to serve a section 21 notice until those payments have been reimbursed.
The Government want to protect the rights of tenants and give them more security, but we must do so in a way that does not impact on the supply of good-quality rented accommodation.

Andy Slaughter: The Minister highlights important and hard-won preconditions for taking eviction proceedings, but that does not alter the fact that, in the generality of cases, we are talking about no-fault evictions. Opposition Members are anxious to hear what the Government will do about no-fault evictions. Do they still maintain that that is the right general approach or do they think that its day has come to be removed?

Mrs Wheeler: Fortunately, as we have so much time, I have an extremely long speech and the hon. Gentleman might be stunned to hear what I have to say. Or he may not.

Growing numbers of tenants are families or older people and the Government are firmly committed to helping them. The measures announced in the housing White Paper mean that most tenants in the build-to-rent sector are now being offered tenancies of a minimum of three years. We recently consulted on overcoming the barriers to longer tenancies in the private rented sector. We sought views on a three-year longer tenancy model with a six-month break clause and asked for views on its viability and how it can be implemented. The consultation closed at the end of August and we are now analysing responses.

A three-year tenancy is one option. However, we have not made any policy decisions regarding tenancy length, whether to change the legislation on section 21 evictions or how our proposed model could be implemented. We are considering the consultation responses fully before making any policy decisions and will set out next steps shortly. In the meantime, for tenants who want a longer tenancy, we have published a model tenancy agreement that landlords and tenants can choose to use as the basis for longer, family-friendly tenancies. We have also published “How to Rent” and “How to Let” guides for tenants and landlords to support them in understanding their rights and responsibilities.

To answer some of the points made by the hon. Members for Westminster North and for Easington (Grahame Morris), the Government recognise the important role that private landlords play in supporting the UK economy and in providing homes to millions of people across the country. We recognise that in order to continue to offer housing, landlords need the flexibility to be able to get their property back quickly when circumstances change. Without those assurances, landlords would be less willing to enter and stay in the market, which does not help tenants.

We recognise that some landlords have concerns about the section 8 eviction process and instead use the section 21 accelerated procedure. We are keen to understand those concerns, and last month, on 13 November, we launched a call for evidence to better understand the experience of courts and tribunal service users in property cases. The call for evidence seeks views from members of the judiciary, landlords and tenants on the private landlord possession action process in the county court and the case for structural changes, such as an extension to the remit of the property tribunal or a new housing court.

There have been calls from hon. Members here today to abolish section 21 evictions. As I have said, we have not yet made any firm policy decisions on whether to legislate to alter the provisions set out in section 21. We first want to consider carefully the responses to the call for evidence on user experience of the courts.

Lyn Brown: I am grateful to the Minister for giving way; she knows that I have a soft spot for her. What will I say to Martin about what she has offered this afternoon? Can I say that she is considering getting rid of section 21, or that his rights will be enhanced by the Government’s future actions? What advice would she like me to give to Martin?

Mrs Wheeler: I am sure that the hon. Lady has espoused the brilliance of the licensing scheme in Newham and the brilliance of her council. Perhaps her council should have gone round to the flat to deal with the dreadful situation that she has enlightened us with today.

Lyn Brown: We will talk about it outside.

Mrs Wheeler: We will indeed; I would be delighted to have that conversation.

As I stressed at the start of my speech, property is a valuable asset and landlords may need to gain possession quickly for various reasons, perhaps because they wish to sell the property, or to enable them or a family member to move in. As I said, there is a clear legal protection for tenants, and a clear process that landlords must follow when carrying out a section 21 eviction.

I appreciated hearing what the hon. Member for Easington had to say about selective licensing and borough-wide licensing, and about enforcement of property standards. Selective licensing is meant to be a targeted tool that can deliver improved standards and safety in the private rented sector for areas suffering serious problems. It can be used at local authorities’ discretion, but where it covers more than 20% of the private rented stock, confirmation by the Secretary of State is required. That is to ensure that local authorities focus their activity on the worst areas and avoid an adverse impact on good landlords. Local authorities have an array of powers at their disposal for enforcing property standards. We expect them to use those to maximum effect and have set up a £2 million fund to help them kick-start enforcement and share best practice. Having said all that, the offer that I would like to make to the hon. Gentleman is that my officials will contact his local authority to talk about an application for licensing.

The 2016-17 English housing survey found that only a tenth of private tenants, when asked about their most recent move, said that they were asked to leave or were given notice by their landlord. There were 1.1 million moves into and within the private rented sector in 2016-17, with private renters making up a larger proportion of movers compared with other tenures. However, there has been an overall decrease in the number of private landlord possession cases since 2014. In England and Wales there were 20,590 private landlord possession cases in 2016-17. That shows that only a small percentage
of moves in the sector end in the courts. Of course, where that does happen it can have a devastating impact on the tenants involved. The Government acknowledge that the end of an assured tenancy in the private rented sector can cause homelessness.

I want to make it clear that we have one of the strongest safety nets in the world to prevent homelessness, and we recently strengthened it through the Homelessness Reduction Act 2017. The Act came into force in April and brought in a new prevention duty, extending the period for which an applicant is “threatened with homelessness” from 28 days to 56 days. That will ensure that those served with a valid section 21 notice that is due to expire will be classed as threatened with homelessness and supported until their situation is resolved—to answer a question that was put during the debate—with no gap between prevention and relief duties, if they have nowhere else to go. If the landlord intends to seek possession and there is no defence to the application, the local housing authority must take reasonable steps to prevent a person’s homelessness. Local authorities must work with applicants to develop personalised housing plans, tailored to the needs and circumstances of the household.

Melanie Onn: I thank the Minister for her further explanation of the point about the Homelessness Reduction Act 2017. Can she confirm that, were someone to leave their property early, having received the possession notice, and were they to attend the local authority, they would be deemed homeless, and not intentionally homeless, and given the same support as someone who was homeless as a result of another set of circumstances?

Lyn Brown: No, she cannot.

Mrs Wheeler: The hon. Lady says from a sedentary position that I cannot. The absolute truth is that the person must go to the local authority as soon as they get the section 21 notice, and the local authority then has a duty to help them.

Ms Buck: They will not.

Mrs Wheeler: They will not go? Okay, we will find out.

The hon. Member for Bath (Wera Hobhouse) mentioned affordability. That issue is exactly the reason the Government introduced the £1 billion Build to Rent fund, and the £3.5 billion private rented sector guarantee scheme, to help support the building of thousands of extra homes specifically for private rent. We want Build to Rent to continue to grow and make a significant contribution to housing supply.

Wera Hobhouse: I fear that the Minister may have misunderstood what I meant. We need to build social homes for rent, because the private sector will just not build the affordable homes we need. Giving the private sector money to build homes for the private sector will not solve the crisis.

Mrs Wheeler: Fortunately, as I go on with my speech, the hon. Lady will hear even more good news.

We are going further, delivering the homes that the country requires. The Government are committed to building more affordable homes, supporting the different needs of a wide range of people. The Government are committed to increasing the supply of social affordable housing and have made £9 billion available through the affordable homes programme to March 2022, to deliver 250,000 new affordable homes on a wide range of tenures, including homes for social rent. Furthermore, we abolished the housing revenue account borrowing cap on 29 October. That will help to deliver a new generation of council homes. We expect it will help local authorities to double their building from around 5,000 to 10,000 homes per year by 2021-22.

Melanie Onn: The Minister is being incredibly generous in giving way. On the lifting of the HRA cap, which has been well received on the whole, what is the Government’s plan for those local authorities that do not have an HRA account because they disposed of their stock wholesale, at the time when housing associations became involved, about 10 years ago?

Mrs Wheeler: From memory, if a local council wants to go back into the market, as long as it builds a minimum of 100, it can. Obviously, I shall write to the hon. Lady to confirm that.

The change will diversify the house building market, as councils are better able to take on projects and sites that private developers might consider too small. To help further, we are providing a longer-term rent deal for five years from 2020 that provides housing associations and local authorities with a stable investment environment to deliver new homes. That will help to deliver the new generation of council house building that the Prime Minister announced recently.

Our position on retaliatory eviction is clear. To answer the hon. Members for Blaydon (Liz Twisel) and for Leeds North West (Alex Sobel), no tenant with a genuine complaint about the condition of their property should be fearful of retaliatory eviction. That is why we have already taken steps on the matter, legislating to protect tenants from retaliatory eviction through the Deregulation Act 2015. As we are all aware, the vast majority of landlords provide well-maintained properties, and thankfully only a small number of tenants encounter the threat of retaliatory eviction. We share the ambition of ensuring that tenants are properly protected from retaliatory eviction—I shall begin to call it RE, as I cannot get my teeth around it.

We want to take a strategic approach, empowering tenants to raise issues with their landlords through greater security of tenure. Our recent consultation on overcoming the barriers to longer tenancies in the private rented sector included a question seeking views on the effectiveness of RE provisions. That ensures that we have the most up-to-date information to inform our thinking. We are currently analysing responses. We are supporting the private Member’s Bill promoted by the hon. Member for Westminster North, the Homes (Fitness for Human Habitation) Bill. It adds a new dimension to the fight against rogue landlords, empowering tenants by allowing them to seek redress from their landlords if their rented house or flat is in an unacceptably dangerous condition. Tenants will be able to seek that redress without having to rely on their local authority. Of course, they will still be able to report problems to their local authority if they prefer, and will then be protected from unfair eviction by the 2015 Act. We are also
exploring how we can strengthen redress in the housing market and are committed to requiring all private landlords to join a redress scheme as part of that. We will be publishing the response to our redress consultation shortly.

I hope that my remarks today demonstrate the Government’s commitment to building a private rented sector that works for everyone—one that supports good landlords to deliver the homes the nation needs and provides safe, affordable and secure homes for tenants. We do not shy away from the challenges facing us and are aware that we need the support of the entire private rented sector if we are to achieve those goals. It is in that spirit that I thank all hon. Members for their speeches and questions. I hope the hon. Member for Easington survives his cold—he has just toddled off. It would be a pleasure to talk to him about organising a visit to his area. I look forward to working with the hon. Member for Westminster North and other hon. Members in the coming weeks and months on this very important issue.

3.40 pm

Ms Buck: I will not detain hon. Members long. I am very grateful to the hon. Members who came along this afternoon. A number of others indicated that they wanted to come, but are unfortunately queuing in the Brexit debate. There is genuine strength of feeling in Parliament about the need for change. We heard powerful contributions from my hon. Friends the Members for Easington (Grahame Morris), for Hammersmith (Andy Slaughter), for West Ham (Lyn Brown) and for Blaydon (Liz Twist) and the hon. Member for Bath (Wera Hobhouse). I was particularly touched by the contribution of the hon. Member for Cheltenham (Alex Chalk), because in all my years in Parliament, the number of times that anybody has said that they have changed their mind during a debate can be counted on the fingers of one hand, so that is something I will cherish.

I am grateful to the Minister for her usual courtesy, but I was disappointed by her response. I appreciate that Governments always say no until they say yes, but I hope that, beneath the surface, there is more thinking going on about this issue. Although she is absolutely right that the issuing of no-fault evictions is subject to a number of conditions, I do not think it is reasonable to say that they in any way undermine the application of section 21 to the private rental sector. It is a structural source of insecurity in a growing sector, which is increasingly home to families and others who are looking for security.

The Minister quoted the English housing survey, which said that just 10% of tenants said that their landlords had required them to move, but the sector is now home to 4.7 million people, and there is a danger that we look at a low percentage and confuse it with a low number of people who are affected. Actually, a huge number of people are living under the shadow of insecurity. Homelessness is expensive, traumatic and a huge challenge for local authorities, but it is only the tip of the insecurity iceberg. That has been very well documented by the National Audit Office and many others, and there is a solid body of evidence supporting the need to tackle no-fault evictions in order to help us tackle homelessness, particularly in areas of high housing pressure such as London—but that is not the only reason to do so. There is a much wider problem of insecurity. We have heard the case studies. We know from what Generation Rent and other housing charities are telling us, and from other supporting evidence about the impact of high population churn and mobility, which is overwhelmingly concentrated in the private rented sector, that this is a real and growing problem.

The Minister mentioned the cases that come to court. We know that the cases involving section 21 notices that come to court are only a small proportion of the total. People are living under that shadow and they do not like it, particularly when they are trying to achieve stability in their employment, community and family.

I hope that the discouraging tone that we have heard this afternoon about section 21 is not the end of the story. We are 30 years on from the introduction of a legislative framework that is simply no longer fit for purpose. There is no reason to fear, and no reason for landlords to fear, a change in the law, provided it is set in the proper context of meeting their reasonable needs to secure their property in the case of bad tenant behaviour or return to their home if they wish. Those things are entirely possible within the legislative framework. We will have to see how it works in Scotland. Other countries in continental Europe, such as Germany, have this model and do not have a problem. We do not have to live in a deregulatory housing environment.

This issue is not going to go away. I was encouraged to hear my hon. Friend the Member for Great Grimsby (Melanie Onn) reaffirm that the Labour party would take action to end section 21, but I think that should be consensual if possible. We should be able to build a consensus for change. I hope the Minister will go back to the Department and seek to bring about a change. It is time for a fair deal for Britain’s private renters. That is not the only thing we need to do. We need to tackle the issue of welfare reforms and build social housing, but this is a critical tool in the arsenal of attempting to build a fairer and more decent society for the private rented sector. This is an issue to which I know we will return.

Question put and agreed to.

Resolved,

That this House has considered the use of Section 21 evictions in the private rented sector.

3.45 pm

Sitting adjourned.
Written Statements

Monday 26 November 2018

TREASURY

Crown Dependencies Update

The Financial Secretary to the Treasury (Mel Stride):
Three new customs arrangements between the UK and the Crown Dependencies (Guernsey, the Isle of Man and Jersey) were signed on 26 November 2018 in London. The texts of the arrangements are available on the www.gov.uk website and will be deposited in the Libraries of both Houses. The text of the arrangements will be scheduled to three related draft Orders in Council and laid before the House of Commons in due course. These new customs arrangements are intended to come into force when the UK and Crown Dependencies leave the EU customs union and are compatible with any agreement the UK reaches with the EU.

DIGITAL, CULTURE, MEDIA AND SPORT

Education, Youth, Culture and Sport Council

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Mims Davies): The Education, Youth, Culture and Sport (EYCS) Council will take place in Brussels on 26 and 27 November 2018. The UK’s Deputy Permanent Representative to the EU will represent the UK for the youth session on 26 November and culture-audiovisual and sports sessions on 27 November.

Youth

This session of the Council will begin with the partial general approach on the regulation on the European Solidarity Corps 2021-2027. This Council will then seek to adopt a resolution on the European Union Youth Strategy 2019-2027, as well as conclusions on youth work in the context of migration and refugee matters.

Also tabled for this session is a policy debate on the European Union Youth Strategy 2019-2027: from vision to implementation.

Culture-Audiovisual

This meeting will begin with a progress report on the regulation on creative Europe 2021-2027.

The meeting will then look to adopt conclusion on the work plan for culture 2019-2022. In addition the meeting will seek to adopt conclusions on the strengthening of European content in the digital economy.

There will also be a policy debate on tackling the spread of disinformation online, looking at the challenges for the media ecosystem.

Information will be provided from the German delegation on dealing with items from colonial contexts in European collections. In addition, information will also be provided from the Danish delegation on problems concerning protection and transnational resale of tickets to cultural and sports events.

Sport

The sport session of EYCS will begin with the adoption of Council conclusions on the economic dimension of sport and its socio-economic benefits. This will be followed by a policy debate on major sporting events as drivers of innovation.

The EU member states represented in the World Anti-Doping Agency Foundation Board will present information on the Foundation Board meeting on 14 and 15 November.

Other

There will be information from the Romanian delegation, setting out its work programmes as the incoming presidency for the first half of 2019.

[HCWS1111]

JUSTICE

Endorsement Agents

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): The Secretary of State for Justice and I have launched a call for evidence on the implementation of reforms contained in the Tribunals, Courts and Enforcement Act 2007, introduced by the Government in 2014. The Government are committed to ensuring that all enforcement agents (formerly known as bailiffs) treat debtors fairly and operate in a responsible and proportionate way. We also recognise that the enforcement of debt is necessary for both the economy and the justice system and that enforcement agents carry out a difficult role in often challenging circumstances. However, we have heard accounts of a minority of enforcement agents who use aggressive tactics and make people’s lives a misery. We are determined that such rogue practices should be stopped. To this end the Government will be actively examining the case for an independent regulator as part of the call for evidence.

The 2014 reforms aimed to provide protection to debtors from the aggressive pursuit of their debt from enforcement agents, while balancing this against the need for effective enforcement. They introduced a set of rules which detail what goods an enforcement agent can and cannot take, how and when they can enter premises and what fees they can charge. They introduced mandatory training and an enhanced court-based certification process for enforcement agents. They also provided safeguards for vulnerable people so they are able to get assistance and advice, and required enforcement agents to be trained to recognise vulnerable people.

The information gathered from our call for evidence will inform the Ministry of Justice’s second post-implementation review of these reforms.

The Government published the first post-implementation review on 2 April 2018. They found that the reforms had led to many positive changes. This included improved transparency and consistency, both in terms of the enforcement process and the fees charged by enforcement agents. The report noted, however, that some enforcement agents were still perceived to be acting aggressively and not complying with the new rules.

The paper includes questions about the complaints process following concerns raised that debtors are experiencing difficulties in making complaints about
enforcement agents. We want to improve our understanding about the volume and nature of complaints about enforcement agents and how they are handled. We are also seeking views about whether the regulations around complaints sanctions need to be improved and if so how.

The paper also asks questions about the implementation of the regulations concerning: safeguards to protect vulnerable debtors; the new training and certification process for civil enforcement agents; the requirement for enforcement agents to send standardised letters to debtors; and the regulations about the recovery of commercial rent arrears.

A key part of the 2014 reforms was the introduction of a fee structure which clearly sets out what a debtor can be charged at each stage of the enforcement action. The fee structure was designed to incentivise debtors to settle their debt at the earliest stage possible. The paper includes questions about the impact of those reforms.

The Government intend to complete the review of the implementation of the 2014 reforms before making a decision about whether further reform is necessary. Any prospective policy options will be presented in a public consultation.

The call for evidence will collect evidence about the operation of both High Court Enforcement Officers and civil enforcement agents (also known as certificated enforcement agents or private bailiffs).

It will run for 12 weeks to 17 February 2019.

A copy of the call for evidence will be placed in the Libraries of the House and will be available online at www.gov.uk.

PRIME MINISTER

Exiting the European Union

The Prime Minister (Mrs Theresa May): This is a statement, for the purposes of section 13 of the European Union (Withdrawal) Act 2018, that political agreement has been reached. I am of the opinion that an agreement in principle has been reached in negotiations under article 50(2) of the treaty on European Union on the substance of:

a. the arrangements for the United Kingdom’s withdrawal from the European Union, and
b. the framework for the future relationship between the European Union and the United Kingdom after withdrawal.

A copy of the negotiated withdrawal agreement which, in my opinion, reflects the agreement in principle so far as relating to the arrangements for withdrawal, including provisions for the implementation period, has been laid before the House on Monday 26 November with the title “Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community”.

A copy of the framework for the future relationship which, in my opinion, reflects the agreement in principle so far as relating to the framework for the future relationship between the EU and the United Kingdom, has been laid before the House on Monday 26 November 2018 with the title “Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom”.

These documents are being presented to Parliament at the earliest opportunity in order to facilitate the fullest possible scrutiny ahead of the parliamentary debate and vote on the approval of these documents.

At this stage, the withdrawal agreement represents a version of the text which has been agreed, but has not yet been formally signed. Before this formal signature takes place, the agreement must complete the European Union’s jurist-linguist translation process. During that time, minor technical corrections will be made to the text, though these changes will not affect the substance of the agreement. The laying of the withdrawal agreement before Parliament at this stage does not therefore trigger any procedures under the Constitutional Reform and Governance Act 2010.
Written Statements

Tuesday 27 November 2018

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Competitiveness Council 29 and 30 November

The Minister for Universities, Science, Research and Innovation (Mr Sam Gyimah): The Internal Market and Industry Day of the Competitiveness Council will take place on 29 November 2018 where the right hon. Lord Henley, Parliamentary Under-Secretary of State, will represent the UK; and the Research and Space Day on 30 November 2018 where I will represent the UK.

Day one—internal market and industry

The Internal Market And Industry Day will consider a number of legislative items including general approaches on the proposed regulations on platform-to-business relations and the general safety of vehicles and a partial general approach on the proposed single market programme as part of the next multi-annual financial framework. The Council is expected to adopt conclusions on a future EU industrial policy strategy, and Ministers will have an exchange of views on the future of the single market.

Under any other business there will be an update on the proposed regulation on supplementary protection certificates for medicinal products; information from the presidency on the functioning of the EU on certain categories of horizontal aid, and on the REACH review in the light of industrial competitiveness; a report of the SME envoy network; and information from the Czech, Finnish, Danish and Irish delegations on a study entitled “Making EU Trade in Services Work for All—Enhancing Innovation and Competitiveness throughout the EU Economy”. The day will conclude with information from the incoming Romanian presidency on its proposed work programme.

Day two—research and space

The Research And Space Day will begin with a session on space during which the Council will review the progress report and exchange views on the regulation establishing the space programme of the Union. The Council will then begin the research session with the adoption of conclusions on the Governance of the European research area.

The Council will then discuss the Horizon Europe package—framework programme for research and innovation 2021-27. The Council will seek to first agree on a partial general approach for the framework programme and its rules for participation and dissemination and secondly it will discuss the progress report for the specific programme implementing Horizon Europe.

Day two will conclude with any other business. The presidency will first provide information on the Evolution of Europe’s space activities: long-term perspective (Space conference) (Graz, 5-6 November 2018). The day will conclude with information from the incoming Romanian presidency on its proposed work programme.

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Ivory Bill: Lords Amendments and EVEL

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I have today published a written submission outlining the Government’s analysis of how the English votes principle relates to all Lords amendments to the Ivory Bill.

The Department’s assessment is that the amendments do not change the territorial application of the Bill. The analysis holds if all the Lords amendments be accepted.

I have deposited a copy of the submission in the Libraries of both Houses.

[HCWS1114]

HOME DEPARTMENT

Offensive Weapons Bill Memorandum


[HCWS1117]

DNA Evidence: Immigration Applications

The Secretary of State for the Home Department (Sajid Javid): I am providing an update on progress made following my statement to the House on 25 October on the Home Office’s use of DNA evidence in immigration applications.

I would like to reiterate that no one should have faced a demand to supply DNA evidence and no one should have been penalised for not providing it. I have apologised to those affected by this practice and committed to get to the bottom of what has gone on in relation to DNA evidence.

On 8 November the Home Office published new overarching policy guidance on the use of DNA evidence in the whole of the borders, immigration and citizenship system on gov.uk. This guidance makes clear that the Home Office cannot mandate individuals to provide DNA evidence, or draw any negative inferences from non-provision. However, it also makes clear that individuals can volunteer such evidence to demonstrate a biological relationship. It will help to ensure there is a consistent approach across the whole BICS system and it will be used in parallel with guidance on individual routes and schemes (e.g. Gurkhas).

The Home Office is also arranging bespoke training sessions with frontline staff to ensure that operational practice aligns with the overarching policy position on the use of DNA evidence. The published guidance related to Gurkhas has been corrected and reissued.

On 24 October I established a taskforce so that anyone who feels that their case may have been influenced in any way by an inappropriate demand for DNA testing.
can receive advice and support. Details of how to contact the taskforce were sent to hon. Members and publicised on Home Office social media channels as well as on gov.uk. As of 14 November, the telephone helpline had received a total of 25 calls. Seventeen of these calls have been referred to the taskforce and are being actively reviewed.

We will arrange reimbursement for individuals who contact us using the helpline, if the individual has suffered financial loss because the Home Office required DNA evidence from them when we should not have.

Likewise we will proactively contact individuals who are known to have been required to provide DNA evidence and did so, to arrange reimbursement.

The vast majority of outstanding Operation Fugal cases I referred to in my statement have now been concluded and Home Office officials are continuing to work to conclude any remaining cases as soon as possible.

Some cases will take longer to conclude where we have requested further information to help us make a decision. There are a number of cases we are currently unable to conclude where there are outstanding criminal proceedings, although to date there have been no criminal charges brought against any individuals as a result of Operation Fugal.

I can now confirm that I have appointed Darra Singh OBE to conduct the independent assessment on the Home Office’s approach to establishing the numbers involved, the operational response, the policy response and the extent to which follow-up training and communications have addressed the issue. Darra brings significant experience, skills and credibility to this task.

I stated that I will review more broadly our structures and processes to ensure that they deliver a system in a way that is fair and humane. I am considering what form that review will take and I will provide an update to the House in due course.

[HCWS1116]
Written Statement

Wednesday 28 November 2018

EXITING THE EUROPEAN UNION

Exiting the European Union: Publications

The Secretary of State for Exiting the European Union (Stephen Barclay): Today I am laying before Parliament the following documents intended to facilitate parliamentary scrutiny ahead of the vote on the final deal:

EU Exit: Taking back control of our borders, money and laws while protecting our economy, security and Union. This sets out how the deal we have reached with the EU delivers on the referendum result and works in the national interest.

EU Exit: Long-term economic analysis. This is the economic analysis that the Government committed to on the floor of the House on 30 January 2018. A document titled “EU Exit: Long-Term Economic Analysis Technical Reference Paper”, which sets out further details on the methodology used, is also being published on www.gov.uk and copies will be deposited in the Libraries of both Houses.

EU Exit: Assessment of the security partnership. This assessment compares the future UK-EU security partnership as set out in the political declaration with a no-deal scenario.

A further document, setting out the Government’s legal position on the proposed withdrawal agreement, is expected to be published on Monday 3 December. The Attorney General will also make an oral statement to the House of Commons on Monday 3 December.

[HCWS1118]
The main focus of the Council for fisheries was a Council regulation for fixing the fishing opportunities for certain deep-sea fish stocks for 2019 and 2020, for which a political agreement was sought. The UK was content with the Commission proposal and intervened to stress the importance of setting fishing opportunities in line with scientific advice. Following a series of trilateral meetings between member states, the Commission and the presidency, a unanimous political agreement was reached.

The primary focus for agriculture was a policy debate on the post-2020 CAP reform package, including two legislative proposals: the first on financing, management and monitoring of the CAP, the second on common market organisation (CMO) of agricultural products. On the first legislative proposal, member states welcomed the shift to a performance-based approach, but voiced concern about the burden monitoring and reporting would place on them. On the second item, most member states were content to maintain the status quo, while some member states suggested that new tools should be applied.

An exchange of views was held on the current challenges in the field of plant protection. Member states agreed with the presidency on the challenges posed by climate change and international trade in preventing the introduction and spread of damaging pests. The UK intervened, pointing out the UK’s long term plans and emphasising support for a precautionary approach on imports.

The commission also informed the Council about the present market situation which has been characterised by general stability. On the continuing issue in the sugar market, the Commission announced that it will be convening a high level group to propose action. A number of member states voiced specific concerns over pig meat.

The Council held another exchange of views on Task Force Rural Africa (TFRA) which included a presentation of the findings from the body’s forthcoming report by the Commission and the chair of the Commission’s Task Force Rural Africa. Some member states suggested areas for partnership with a particular focus on delivering UN sustainable development goals.

One item was discussed under any other business:

The Commission informed member states about the implementation of the European maritime and fisheries fund, pointing out the low uptake of funding by member states.

FOREIGN AND COMMONWEALTH OFFICE

The Minister for Europe and the Americas (Sir Alan Duncan): My noble Friend the Minister of State for Defence, the right hon. Earl Howe, and I attended the Foreign Affairs Council (FAC) on 19 November. It was chaired by the High Representative and Vice-President of the European Union (EU) for Foreign Affairs and Security Policy (HRVP), Federica Mogherini. The meeting was held in Brussels.

Agriculture and Fisheries Council

The Minister for Agriculture, Fisheries and Food (George Eustice): The Agriculture and Fisheries Council took place in Brussels on 19 November. The UK was represented by Lord Gardiner of Kimble, Parliamentary Under Secretary of State for Rural Affairs and Biosecurity, and Lords Minister.

Written Statements
Thursday 29 November 2018

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

General Affairs Council (Cohesion)

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): My right hon. Friend the Parliamentary Under-Secretary for State for the Department of Business, Energy and Industrial Strategy (Lord Henley) has made the following statement:

A meeting of the General Affairs Council (Cohesion) will be held in Brussels on 30 November 2018.

The General Affairs Council will discuss the legislative package for cohesion policy in the next multiannual financial framework. Ministers from member states will present their positions on the strategic context and priorities set out in the legislative proposals for post-2020, with a view to influencing the Commission’s proposals.

The Austrian presidency will provide an update on non-legislative and legislative items.

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Draft National Policy Statement: Water Resources

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): Today I am laying before Parliament a draft national policy statement for water resources infrastructure. This is now subject to an eight-week consultation. This will guide planning decisions for water resources infrastructure of national significance, making sure we get the infrastructure we need delivered in a timely manner and to a high standard.

The statement sets out Government policy on what is needed to secure resilient water supplies to respond to future challenges including climate change, population growth and to better protect the environment. New water resources infrastructure, including reservoirs and water transfers, is needed alongside reducing demand and conserving water, to provide a plentiful supply of water for future generations.

The statement is accompanied by draft habitats and sustainability reports, on which we are also consulting.

The consultation is available on gov.uk and will close on 31 January 2019. The relevant period for parliamentary scrutiny of the statement will be from 29 November 2018 to 16 May 2019.

FOREIGN AND COMMONWEALTH OFFICE

Foreign Affairs Council

The Minister for Europe and the Americas (Sir Alan Duncan): My noble Friend the Minister of State for Defence, the right hon. Earl Howe, and I attended the Foreign Affairs Council (FAC) on 19 November. It was chaired by the High Representative and Vice-President of the European Union (EU) for Foreign Affairs and Security Policy (HRVP), Federica Mogherini. The meeting was held in Brussels.
Current affairs

The Council discussed Iran and confirmed its ongoing full support for the Iran nuclear deal (JCPOA) given that Iran continues to implement the agreement and notwithstanding the reintroduction of US sanctions on 5 November 2018. Ministers expressed solidarity with those member states where Iran had carried out unacceptable activities and confirmed their readiness to consider a targeted appropriate response. Ministers also touched briefly on the outcome of the international conference for Libya hosted by the Italian Government in Palermo on 12 and 13 November and the situation in Gaza, following the latest escalation of violence.

Central Asia

The Council discussed central Asia (Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan) ahead of the 14th EU-central Asia ministerial meeting that will take place on 23 November in Brussels. Ministers noted recent significant changes in the region and the new momentum in bilateral and regional co-operation. They expressed a strong interest in stepping up EU engagement in central Asia on reform and economic development, as well as the promotion of sustainable connectivity and regional conditions for peace and stability in Afghanistan. Adoption of a new EU strategy on central Asia is expected in 2019.

Bosnia and Herzegovina

The Council discussed Bosnia and Herzegovina following elections on 7 October. Ministers underlined the importance of forming Governments at all levels as soon as possible to enable political leaders to focus on the reform agenda that was essential in responding to citizens’ aspirations. Ministers also agreed that electoral law reform should be undertaken.

Yemen

The Council exchanged views on Yemen, in particular with regard to the EU’s political and humanitarian support. Ministers confirmed their strong support for the United Nations (UN) led process and the UN special envoy (UNSE) Martin Griffiths. Ministers agreed to send a clear message to all those involved in the conflict to consolidate de-escalation efforts, cease hostilities and engage in political talks led by Martin Griffiths.

Ukraine

The Council discussed the latest developments in Ukraine, in particular the situation in the Azov sea and the “elections” in the so-called “Luhansk People’s Republic” and “Donetsk People’s Republic” on 11 November 2018. Ministers confirmed their commitment to Ukraine’s independence, sovereignty and territorial integrity, recalled that the EU did not recognise the “elections” of 11 November 2018 and confirmed their readiness to consider appropriate targeted measures in response. They also agreed that full implementation of the Minsk agreements remained essential and highlighted the EU’s continued humanitarian engagement in eastern Ukraine. Ministers touched on the EU’s support for the reform process in Ukraine; the EU and Ukraine will have the opportunity to review progress on reforms, bilateral and global co-operation, at the Association Council meeting scheduled for 17 December 2018.

Security and defence

The Council discussed a range of security and defence issues. Ministers welcomed the second tranche of projects under permanent structured co-operation (PESCO) and stressed the importance of agreeing arrangements for third country access by the end of the year. The Council welcomed the establishment of a civilian common security and defence policy (CSDP) compact, to improve civilian responses to security threats. It agreed to strengthen the role of the military planning and conduct capability, and to conduct a co-ordinated annual review on defence as a standing activity to provide an overview of defence spending, national investment and defence research efforts. The Council also adopted a partial general approach on the European defence fund.

EU-NATO co-operation

Ministers discussed EU-NATO co-operation in the presence of the NATO Secretary-General, including on issues related to hybrid threats and military mobility. The Council underlined the importance of coherence and mutual reinforcement between the EU and NATO. It welcomed the second joint declaration on EU-NATO co-operation signed on 10 July 2018.

CSDP operations and missions

The Council had an exchange of views regarding CSDP operations and missions.

The Council agreed a number of measures without discussion:

The Council adopted conclusions on Ethiopia;

The Council adopted conclusions on Sudan;

The Council adopted conclusions on Afghanistan;

The Council adopted conclusions on Pakistan;

The Council adopted conclusions on water diplomacy;

The Council adopted conclusions on the establishment of a civilian CSDP compact;

The Council adopted an updated list of permanent structured co-operation (PESCO) projects;

The Council adopted its position (partial general approach) on the European defence fund (EDF);

The Council adopted a new EU strategy against illicit firearms, small arms and light weapons and ammunition;

The Council adopted an updated version of the EU cyber-defence policy framework;

The Council extended the mandate of EUTM Somalia;

The Council approved annexes for the military requirements within and beyond the EU;

The Council took note of the report submitted by the head of the European Defence Agency (EDA);

The Council adopted the guidelines for the EDA’s work in 2019;

The Council took note of the single progress report on the development of EU military capabilities in the period from November 2016 to June 2018;

The Council adopted a decision to promote capacity building in the member states of the League of Arab States;

The Council adopted a decision concerning support of SEESAC for the implementation of the regional road map on combating illicit arms trafficking in the western Balkans;

The Council approved the Commission’s conclusion of the EURATOM/KEDO agreement;

The Council approved the Commission’s conclusion of the EURATOM/KEDO agreement (retroactivity).
HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Grenfell Update

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): Hon. Members will be aware of the ongoing Grenfell Tower inquiry and the harrowing accounts from all those affected by the Grenfell Tower fire. I want to provide the House with an update on the Government’s ongoing work in response to the tragedy.

Recovery

The Government have committed over £80 million to support the bereaved, survivors and the community following the Grenfell Tower fire. This includes rehousing costs, new mental health services, investment in the Lancaster West estate, and a community space.

NHS England has also announced that it will provide up to £50 million to fund long-term mental and physical health checks and treatment for those affected by the Grenfell Tower fire.

Grenfell Tower site

I would like to update the House on progress towards the long-term future of the site. The Government have always been committed to working with the community to create a fitting memorial, with the Prime Minister giving her personal commitment that the bereaved, survivors and community will decide what happens to the long-term future of the Grenfell Tower site.

As part of this, I made a commitment in August 2018 that the Government would take responsibility for the Grenfell Tower site. I would like to update the House on the steps I have taken to put this announcement into effect.

I am pleased to inform the House that the Government will meet the ongoing costs of keeping the tower site safe and secure. This will deliver on my earlier promise to the bereaved, survivors and community that the Royal Borough of Kensington and Chelsea (RBKC) will take no role in making decisions regarding the Grenfell Tower site. Once ownership transfers, Government will make operational decisions, such as those on safety, security and access, until the long-term future has been determined by the community.

As we work towards responsibility transferring to Government, I want to reassure the House and the community that the independent site management team continue to closely monitor and inspect the tower and are responsible for ensuring that it is safe and secure.

I recognise that sensitive management of the tower site, working towards a fitting memorial, is of paramount importance to the bereaved, survivors and the local community. The arrangements that I am putting in place will ensure that Grenfell Tower will continue to be managed effectively and sensitively.

In taking responsibility for Grenfell Tower, I will become responsible for decisions about the tower site. I would, therefore, like to reassure the House and the community about how I intend to approach decision making. The principles I commit to include that:

- most importantly, the community will continue to be engaged at each step along the way to a lasting memorial;

the health and safety of those living, working and at the school in the local area, as well those working on the site, will continue to take priority;

- decisions that I take about the tower site will be evidence-based, informed by the advice of public authorities and technical experts; and that,

I will consult the police and the Grenfell Tower inquiry to ensure that decision making does not interfere with the path to justice.

The community-led Grenfell Tower Memorial Commission will develop a proposal for what happens to the Grenfell Tower site in the future, and will decide how the memorial site will be owned and managed in the long term. The Minister with responsibility for Grenfell victims, the Minister for Policing and the Fire Service my right hon. Friend the Member for Ruislip, Northwood and Pinner (Mr Hurd), continues to meet with members of the bereaved, survivors and wider community to discuss the process and the role of community representatives.

Environmental monitoring

On 26 October 2018, I announced additional environmental checks will be carried out in and around the Grenfell Tower site to reassure the bereaved, survivors and wider community that any environmental risks to public health will be fully assessed and appropriate action taken.

This is an issue that I take very seriously, and my officials have been working closely with RBKC, the Department of Environment, Food and Rural Affairs, the Environment Agency, NHS England and Public Health England to plan further environmental sampling of the site, including comprehensive soil analysis to check for any signs of contamination.

The new soil testing programme will take place alongside existing air quality monitoring which has been in place since the fire. So far, the monitoring has consistently shown the risk to people’s health from air pollution around the Grenfell Tower site to be low. Public Health England will continue to monitor this and publish the results on a weekly basis—alongside an explanation of the data in terms of potential impacts on health, at the following web link:


An expert multi-agency group which includes the Environment Agency, Public Health England, RBKC and NHS England has been set up to make sure soil surveying around Grenfell Tower is comprehensive and that analysis will be provided to the public. The Minister with responsibility for Grenfell victims recently chaired the first meeting of this group. As a result we have started procuring the relevant expertise and will appoint independent environmental specialists from a network of leading experts. Their work will be overseen by the multi-agency group.

Once selected, the specialists will proactively engage the community on the design and implementation of the testing process. This will take place in the new year.

Both the Government and the NHS share a resolute commitment to support all those affected by the fire. The NHS has run health drop-in events within the local area for those who are concerned about their health.
The Minister with responsibility for Grenfell victims and I are also committed to engaging local residents with the investigation process from start to finish and consultation workshops will begin in January, to inform the scope and locations of the main site investigation and sampling.

Rehousing

The Government remain committed to ensuring all survivors are permanently rehoused as quickly as possible.

Since my last update to the House in July, based on data provided by RBKC as of 26 November, 44 more households have moved into permanent accommodation bringing the total to 149; and the number of households living in hotels has reduced by 23 to 15. Out of 203 households, there are currently 26 households living in good quality temporary accommodation, 12 in serviced apartments and one staying with family and friends. Every household has had an offer of permanent or temporary accommodation, and 201 households (99%) have accepted an offer. A total of 194 of these households have accepted permanent homes, of which 149 have now moved in.

The Royal Borough of Kensington and Chelsea continues its efforts to rehouse those who lost their homes in the fire, and improved progress has been made. While I recognise the complexities involved, the overall pace of rehousing has been too slow, and there remains a small number of households in hotels as we approach 18 months after the fire. I expect the council to do everything possible to speed up the rehousing process and ensure that the remaining survivors are permanently rehoused as quickly as possible.

It is important that the bereaved, survivors and wider community continue to be supported. My Department will continue to work closely with RBKC to this end. I would like to express my thanks to all those involved in supporting the survivors throughout this difficult process.

Building safety

As well as the work set out above that the Government have done with their partners in respect of the recovery, we are determined to learn the lessons from the Grenfell Tower fire and bring about a fundamental change to ensure that residents of high-rise buildings are safe and feel safe. That is why we have set in train a programme of work to deliver that change by addressing the issues raised by Dame Judith Hackitt in her independent review of building regulations and fire safety.

Ban on the use of combustible materials

We recognised the strength of feeling on combustible cladding and having consulted, announced a clear ban on the use of combustible materials on the external walls of new buildings over 18 metres containing flats, as well as new hospitals, residential care premises, dormitories in boarding schools and student accommodation over 18 metres. Today regulations have been laid to give legal effect to the ban. As part of wider work on fire safety across Government, I will work with the Education Secretary to join up our reviews of fire safety guidance. I also welcome the Department for Education’s commitment to ensuring schools over 18 metres built as part of their centrally delivered build programmes will not use combustible materials, in line with the terms of the ban, in the external wall.

Remediation

As of 31 October 2018, 289 private sector high-rise residential buildings have been identified as having unsafe aluminium composite material (ACM) cladding. We have made good progress in getting remediation completed (in 19 cases); started (in 21 cases); and with plans in place for 98 buildings. These numbers continue to increase, but we are taking decisive action to deal with the remaining buildings where owners are not fulfilling their responsibility to remediate unsafe ACM cladding. That is why, as part of our strong commitment to ensuring that residents of high-rise residential buildings are safe and that they feel safe, I am announcing measures to support local authorities to take action where remediation plans are not clear.

I am laying an addendum to the housing health and safety rating system operating guidance. This addendum provides specific guidance on the assessment of high-rise residential buildings with unsafe cladding. This will help local authorities to make robust hazard assessments and boost their ability to take decisive enforcement action.

Alongside this the joint inspection team, hosted by the Local Government Association, will provide support to local authorities in their assessments and give them confidence to take enforcement action.

I am also writing to local authorities with buildings where the owner refuses to remediate unsafe ACM cladding, to offer them our full support to take enforcement action. This will include financial support where this is necessary for the local authority to carry out emergency remedial work.

Where financial support is provided, local authorities will recover the costs from the building owner.

I am determined that building owners will not evade their responsibilities and that local authorities will have all the support they need to ensure that all high-rise buildings with unsafe ACM cladding are made permanently safe for the people who live in them.

Local Government: Northamptonshire

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): In an oral statement on 27 March 2018, Official Report, column 661, the then Secretary of State for Housing, Communities and Local Government, my right hon. Friend the Member for Bromsgrove (Sajid Javid) told the House that he had received an independent inspection report on Northamptonshire County Council that found significant failures that could not be satisfactorily addressed within a reasonable timetable. I appointed commissioners on 10 May to bring stability to Northamptonshire County Council, and I am today publishing the first report from the Commissioners and my response. My right hon. Friend also informed the House that he would be inviting the eight principal councils in Northamptonshire to submit proposals to restructure local government in the county.

On 31 August 2018, I received such a proposal from seven of the eight councils to establish two new unitary councils. The legislation requires that before a proposal for local government reorganisation can be implemented,
I must first consult every principal local authority affected by the proposal (except the authority or authorities which made it), and any such other persons as I consider appropriate.

Accordingly, I am today launching a consultation on that proposal. I am consulting all principal councils in Northamptonshire, principal councils neighbouring Northamptonshire, Northamptonshire chamber of commerce, South East Midlands local enterprise partnership, the Northamptonshire police and crime commissioner, local health bodies, the University of Northampton, and representatives of the voluntary sector. We also welcome views from any interested persons, including local residents and organisations.


and paper copies will also be available in public offices and buildings of all the Northamptonshire councils.

Once the consultation is concluded, I will then as statute provides decide whether or not to implement, with or without modification, the proposal that the councils have submitted to me. In taking that decision I will have regard to all the representations received from the consultation exercise along with all other relevant information and material available to me.

I am also announcing today that following a request from the eight Northamptonshire councils, I intend as soon as practicable to make and lay before Parliament an order under the Local Government Act 2000 to postpone district and parish council elections in Northamptonshire due to be held in May 2019 until May 2020. In deciding to make such a postponement I have had regard both to the importance of local elections as the foundation of our local democracy and ensuring the accountability of councils and to the risks of continuing with the May 2019 elections in Northamptonshire given the local circumstances.

These risks are, as the councils have highlighted to me, that if following the consultation I were to decide to implement the councils’ proposal and Parliament approves legislation establishing the two new unitary councils from April 2020 with elections in May 2020, district councillors elected in May 2019 would serve for only one year with their council then being abolished. Elections in such circumstances risk confusing voters and would involve significant costs that would be hard to justify. The councils have also stressed the importance of there being certainty by early December 2018 about the May 2019 elections.

Accordingly, I have concluded that irrespective of whatever my future decision might be on the restructuring proposal, the right course is to postpone these elections and make the necessary secondary legislation as soon as practicable. The councils have also requested on the grounds of practicalities that parish council and district council elections continue to be held concurrently and I intend to legislate for this, postponing any May 2019 parish council elections in Northamptonshire to May 2020.

**JUSTICE**

**Defamation and Privacy Costs Protection**

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): The Government are committed to controlling the costs of civil litigation while allowing appropriate cases to proceed. Part 2 of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 reformed the operation of no win, no fee conditional fee agreements in order to address the high costs of civil litigation. In particular, section 44 of the LASPO Act provided that the lawyer’s success fee would no longer be recoverable from the losing party. This provision came into effect for the majority of cases in April 2013 but was delayed in respect of defamation and privacy claims pending the outcome of the Leveson inquiry. The then coalition Government accepted the Leveson recommendation that there should be a costs protection regime in place for defamation and privacy claims, before commencing the LASPO Act conditional fee agreement reforms. It consulted on a draft bespoke costs protection regime in 2013. In the event, there was opposition to the detail of that regime, and the then coalition Government did not implement the proposal.

Having considered the responses to the consultation, the Government have now decided on a different approach that will further control the costs of these cases and will also give effect to our legal obligations under the MGN v. UK judgment of the European Court of Human Rights in 2011. In the MGN case, the court concluded that the obligation for the defendant to pay a 100% “success fee” to the claimant was disproportionate, and that the conditional fee agreements regime was therefore in breach of the defendant’s rights under article 10 (freedom of expression) of the European convention on human rights.

The Government will therefore now commence section 44 of the LASPO Act in relation to defamation and privacy cases. However, the Government will keep in place, at least for the time being, the existing costs protection regime. This means that after the event insurance premiums will remain recoverable for these cases. After the event insurance covers the risks of having to pay the other side’s costs in unsuccessful cases.

This approach—of abolishing recoverability of the conditional fee agreement success fee, but retaining it for the after the event insurance premium—will protect access to justice, since parties with good cases can still benefit from recoverable after the event insurance in respect of adverse costs; after the event insurance discourages weaker cases as these are unlikely to be insured. This provision will come into force for new cases on 6 April 2019.

The Government have also published today their response to the 2013 consultation, “Costs protection in defamation and privacy claims: the Government’s proposals”.

Prisons

The Minister of State, Ministry of Justice (Rory Stewart): At the Justice Select Committee on 26 June, I reaffirmed the Government’s commitment to building
up to 10,000 modern and decent prison places to replace old, expensive and unsuitable accommodation, modernising parts of our prison estate.

Also at the Committee, I confirmed the intention to launch a competition to appoint a framework of prison operators from which we could select the operator for the new prisons including further prisons following expiry of current private sector contracts.

Today I can announce the launch of the prison operator services framework competition through a notice which will be published in the Official Journal of the European Union (OJEU) within the coming days.

Securing a framework of operators should reinvigorate the prison market by encouraging new providers to enter the custodial arena. It will also enable Ministry of Justice to more effectively and efficiently manage a pipeline of competition over the next decade. Once part of the framework, operators can choose to compete in shorter “call-off” competitions for the operation of individual prisons.

The first of these call-off competitions will be for the operation of the new-build resettlement prisons at Wellingborough and then Glen Parva. These are being built using public capital, with construction expected to begin in late 2018 and late 2019 respectively.

HMPPS will not bid in the competition but will provide a “public sector benchmark” against which operators’ bids will be rigorously assessed. If bids do not meet our expectations in terms of quality and cost, HMPPS will act as the provider.

This competition is not about the difference between the public and private sector. It is about driving quality and innovation across the system. I am clear that through this competition we expect bidders to provide high-quality, value for money bids that deliver effective regimes to meet the specific needs of prisoners. Our aim being to help them turn their lives around to prevent reoffending.

This Government remain committed to a role for the private sector in operating custodial services. The competition launched today will seek to build on the innovation and different ways of working that the private sector has previously introduced to the system. The sector has an important role to play, and currently runs some high-performing prisons, as part of a decent and secure prison estate.

We will ensure, through the procurement and contract management processes, that we have sufficient measures in place to have confidence in the delivery and maintenance of the contracted prisons over their lifetime.

A balanced approach to custodial services provision, which includes a mix of public, voluntary and private sector involvement has been shown to introduce improvements and deliver value for money for taxpayers.

The launch of the prison operator services framework underlines this Government’s commitment to reform the prison estate, build much needed prison places, improve standards of decency across the estate, and reduce reoffending.

[HCWS1123]
Written Statements

Monday 3 December 2018

EXITING THE EUROPEAN UNION

Exiting the European Union: Publications

The Attorney General (Mr Geoffrey Cox): Today I am laying before Parliament the following document:

“EU Exit: Legal position on the Withdrawal Agreement”.

This document sets out the Government’s legal position on the proposed withdrawal agreement and provides a legal commentary, covering each part of the withdrawal agreement and the three protocols.

I will make an oral statement to the House later today.

INTERNATIONAL TRADE

Prime Minister’s Trade Envoy to Argentina

The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox): The Prime Minister has appointed the hon. Member for Fylde (Mark Menzies) as the Prime Minister’s Trade Envoy to Argentina. This extends Mark’s current portfolio as Trade Envoy to Chile, Colombia and Peru. This appointment increases the number of markets covered by the programme to 64, as we look to deepen our relationships across the globe. The Prime Minister’s Trade Envoy programme is an unpaid and voluntary cross-party network of people, who support the UK’s ambitious trade and investment agenda in global markets.

UK WTO Membership

The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox): I have previously informed the House that in order to fulfil our obligations at the World Trade Organisation (WTO) as we leave the European Union we will prepare UK-specific schedules of concessions and commitments. On 19 July I informed the House of the start of the process for certification of the UK schedule for services and I will place a copy in the Library of the House.

This schedule replicates, as far as possible, our current obligations at the WTO. We see this as a technical exercise for which the WTO’s procedures for rectifications or improvements to schedules provide the appropriate legal mechanism. These procedures include a period for WTO members to raise objections to the proposed schedule, and it is usual for some of them to do so. If objections are raised, we will continue to work with WTO members to resolve any concerns and see the objections withdrawn. The UK can continue to trade on current terms on an uncertified schedule, with no impact on trade flows, as is the case for other countries trading on uncertified schedules.

Presenting our own UK schedules at the WTO is a necessary part of our leaving the EU. It does not in any way prejudge the outcome of the eventual UK-EU trading arrangements.

TRANSPORT

EU Transport Council

The Secretary of State for Transport (Chris Grayling): I will attend the last Transport Council under the Austrian presidency (the presidency) taking place in Brussels on Monday 3 December.

The Council will consider proposals from the first tranche of the ‘Mobility Package’. Under the ‘social pillar’ of the package the presidency will seek a general approach on proposals to establish a specific regulatory regime for the posting of workers in the road transport sector; to introduce new regulatory provisions in relation to ensuring that drivers have the option regularly to return home; and to enable drivers to take their regular weekly rest in their vehicles provided that certain welfare-related conditions are met. Under the ‘market pillar’ of the package the presidency will seek a general approach on proposals to introduce new regulatory requirements for the operation of light commercial vehicles (vans); and to modify the ‘cabotage’ rules for vehicles operating in countries other than their country of establishment.

The Government consider the package to be a necessary response to current issues with the functioning of the EU road transport market, in particular, unco-ordinated national enforcement action in relation to posting of workers rules, and exploitation of some aspects of the regime by some non-compliant operators. The Government are broadly content with the specific proposals, particularly with the compromise gained on limiting the extension of regulatory obligations to operators of larger vans which are also undertaking international haulage work.

Next, the Council is expected to reach a general approach on a proposal from the second tranche of the ‘Mobility Package’ to revise the current directive on combined transport. The proposal contains provisions that could improve promotion of modal shift across the EU and reduce congestion. The Government consider that the proposal includes some positive changes to modernise the processes and, as currently drafted, will provide an acceptable balance between EU-wide action and national discretion.

Following this, the Council will consider a general approach on a proposal from the third tranche of the ‘Mobility Package’ to amend the current directive on road infrastructure safety management (RISM). The current directive was adopted to ensure that road safety considerations are at the forefront of all phases of the planning, design and operation of road infrastructure and currently applies to roads on the trans-European...
transport network (TEN-T). The Government consider that the proposed increase in scope to include motorways and ‘primary roads’ is a proportionate expansion of the directive and is content with the proposal that member states define the ‘primary roads’ covered by it. The Government believe the proposal strikes a balance that will allow member states to retain judgment over where the directive is applied in their own countries, while upholding the shared principles of robust safety inspection and excellence in road design.

There will be a progress report on the proposal to amend the directive on discontinuing seasonal changes of time, which the Government oppose. We have no plans to change daylight saving time within the UK, and feel that the Commission has not provided enough evidence to demonstrate a strong case for changing the existing arrangements.

Afterwards, there will be a progress report on the proposal to revise the regulation on rail passengers’ rights and obligations, aimed at strengthening the rights of rail passengers, including by improving access for people with disabilities or reduced mobility.

Following this, the Council is expected to reach a general approach on the proposal to amend the directive on the minimum training of seafarers. These changes will ensure that the legislation is up to date, and will provide the European Maritime Safety Agency (EMSA) with additional time to decide whether to recognise an outside state’s certification. The Government consider the general approach to be satisfactory on the basis that the amendments are justified and appropriate to ensure that maritime directives are in line with international norms, and so that EMSA can make appropriately informed decisions.

The Council is also expected to reach a general approach on another proposal from the third tranche of the ‘Mobility Package’, to revise the current directive establishing a European maritime single window environment. This is intended to further harmonise the electronic submission of ship pre-arrival reporting formalities. The Government support digitisation here as it can provide benefits for business. The UK has engaged constructively in negotiations and has been able to share its existing expertise in many areas. The Government welcome the proposed general approach, which is satisfactory.

The Council is expected to reach a partial general approach on a proposed regulation on the Connecting Europe Facility. The proposal will move into the next multiannual financial framework with broadly the same funding allocation for transport as the current MFF. The Government support the value that a well-managed funding programme like the Connecting Europe Facility can bring to transport infrastructure. However, the regulation will take effect after the UK has left the EU, and the Government are still considering their position on future involvement in the programme.

There will be a progress report on a proposal from the third tranche of the ‘Mobility Package’ on the proposed regulation on streamlining measures for the realization of the trans-European transport network (TEN-T). The proposal sets out requirements for the administrative procedures to be followed by the competent authorities in member states in providing approval for projects of common interest on the TEN-T Core Network.

There will be a progress report on a proposal from the second tranche of the ‘Mobility Package’ to amend the directive on the promotion of clean and energy-efficient road transport vehicles. The directive looks to drive the uptake of clean vehicles, including cars, and light and heavy duty vehicles (including vans, trucks and buses).

There will also be a progress report on a proposal from the third tranche of the ‘Mobility Package’ for a regulation on electronic freight transport information. This regulation is designed to correct a perceived lack of standardisation of acceptance by member states of electronic freight documents.

The Council will be asked to agree conclusions, which the UK supports, on the potential of inland waterway transport as an environment-friendly transport mode, offering existing capacity to alleviate congestion on roads.

Finally, under any other business, the presidency will provide information on other current legislative proposals. Additionally, it will report back on the informal meeting of Transport and Environment Ministers that took place in Graz on the 29-30 October 2018, followed by an update on ASEAN negotiations. The Luxembourg delegation will present information on the social agenda in aviation. The Commission will supply information on sustainable transport infrastructure charging and internalisation of transport externalities, and finally, the Romanian delegation will provide information on the work programme of their forthcoming presidency of the Council of the European Union.

[HCWS1129]
proposal to compel all schemes to provide data—we have outlined limited exemptions. We will work with the regulators and industry to help ensure responsibilities to protect consumers are upheld, while ensuring the safeguarding of consumer data.

We have met with the Chair and the Chief Executive of the Single Financial Guidance Body. We believe that this body is ideally suited to oversee the industry delivery group. It will bring together industry representatives, FinTech and consumer organisations to ensure successful implementation. We propose that a non-commercial dashboard, hosted by the Single Financial Guidance Body, will offer an impartial service to those for whom there is not a commercial offering.

It is a continued priority of this Government, with the support of the pensions, financial services and consumer community, to restructure the UK’s pension savings culture against the backdrop of a new generation of savers. Dashboards will build upon the successful introduction of automatic enrolment, which has led to almost 10 million people either newly saving or saving more towards their retirement.

We are confident that the “Working together for the consumer” document, published today, demonstrates the Government’s and the Department’s strong and sincere belief that pensions dashboards have great potential to transform the pensions landscape for the consumer’s benefit. We look forward to receiving feedback and proposals as to how Government can best facilitate an industry-led delivery of this online service.

For ease of reference, I shall deposit a copy of the feasibility report and a related fact sheet in both Libraries of the Houses of Parliament.
Written Statements

Tuesday 4 December 2018

TREASURY

ECOFIN: 4 December 2018

The Chancellor of the Exchequer (Mr Philip Hammond): A meeting of the Economic and Financial Affairs Council (ECOFIN) will be held in Brussels on 4 December 2018. The Council will discuss the following:

Early morning session

The Eurogroup President will brief the Council on the outcomes of the 3 December meeting of the Eurogroup, and the European Commission will provide an update on the current economic situation in the EU. Following this, the Commission will present its forthcoming communication on the international role of the euro, and the Council will exchange views on the European Investment Bank as a follow up to September informal ECOFIN in Vienna.

Digital services tax

The Council will be invited to agree a general approach on the digital services tax directive.

Strengthening of the banking union

The Council will be invited to endorse the results of the trilogue with regards to the banking package. The Austrian presidency will then present a progress report on the European deposit insurance scheme.

Current financial services legislative proposals

The Austrian presidency will provide an update on current legislative proposals in the field of financial services.

European semester 2019

The Commission will present the annual growth survey 2019, the alert mechanism report 2019 and their recommendation on the economic policy of the euro area, followed by an exchange of views.

Non-performing loans

The Commission will present the third progress report on implementation of the non-performing loans action plan, followed by an exchange of views.

DIGITAL, CULTURE, MEDIA AND SPORT

Education, Youth, Culture and Sport Council

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Mims Davies): The Education, Youth, Culture and Sport (EYCS) Council took place in Brussels on 26 and 27 November 2018. The UK’s Deputy Permanent Representative to the EU represented the UK for the Youth session on the 26 November and Culture and Audiovisual and Sports sessions on the 27 November.

Youth

This session of the Council began with the partial general approach on the regulation on the European Solidarity Corps 2021-2027, which the UK was content to support. This Council then adopted a resolution on the European Union Youth Strategy 2019-2027, as well as conclusions on youth work in the context of migration and refugee matters.

A policy debate was then held on the European Union Youth Strategy 2019-2027: from vision to implementation.

Culture/Audiovisual

This meeting began with a progress report on the regulation on Creative Europe 2021-2027.

The meeting then adopted conclusions on the Work Plan for Culture 2019-2022. In addition the meeting adopted conclusions on the strengthening of European content in the digital economy.

There was also a policy debate on countering the spread of disinformation online, looking at the challenges for the media ecosystem.

Information was provided from the German delegation on dealing with items from colonial contexts in European collections. In addition, information was also provided from the Danish delegation on problems concerning protection and transnational resale of tickets to cultural and sports events.

Sport

The sport session of EYCS began with a policy debate on major sporting events as drivers of innovation. This was then followed by the adoption of Council conclusions on the economic dimension of sport and its socio-economic benefits.

The EU member states represented in the World Anti-Doping Agency Foundation Board presented information on the Foundation Board meeting on 14-15 November.

Other

The Romanian delegation set out their work programmes as the incoming presidency, for the first half of 2019. They highlighted a number of priorities for the presidency. These priorities included improving the cross-border circulation of European cinema works, continuing efforts on disinformation through media literacy and quality journalism, and improving access to organised sport for people with disabilities.

Telecommunications Council

The Minister for Digital and the Creative Industries (Margot James): The telecommunications formation of the Transport, Telecommunications and Energy Council will take place in Brussels on 4 December 2018. The deputy permanent representative to the EU, Katrina Williams, will represent the UK.

The Council will begin with the Austrian presidency seeking to secure a partial general approach on the digital Europe programme. A progress report and policy debate will then take place on the European cyber-security, industrial, technology and research competence centre and the network of national co-ordination centres proposal. Following this, a progress report and exchange of views will take place on the e-privacy regulation.

Afterwards, the discussion of AOB items will follow, including the adoption of the European electronic communications code (EECC) and Body of European
Regulators of Electronic Communications (BEREC) proposals. Information from the Austrian presidency will be given on the progress of current legislative proposals, namely: the recast public sector information directive; the eu top level domain regulation; and the Cybersecurity Act. The Austrian presidency will also provide an update on the state of play of the digital single market. The Council will end with a presentation from the incoming Romanian presidency on its work programme for the first half of 2019.

[HCWS1139]

EDUCATION

Government Asset Sale Update

The Secretary of State for Education (Damian Hinds):
I am pleased to inform Parliament that the Government have today completed their sale of part of the older, pre-2012, English student loan book achieving a value of £1.9 billion.

The Government have been clear in their commitment that the position of all borrowers, including those whose loans have been sold, will not change as a result of the sale. This sale does not and cannot in any way alter the mechanisms and terms of repayment: sold loans will continue to be serviced by Her Majesty’s Revenue and Customs (HMRC) and the Student Loans Company (SLC) on the same basis as equivalent unsold loans. Purchasers have no right to change any of the current loan arrangements or to contact borrowers directly. The sale does not change the Government’s current approach to higher education or student finance.

The Student Loans Company will be writing to borrowers whose loans have been sold within three months to notify them of the sale. No action will be required from borrowers. Government have no plans to change, or to consider changing, the terms of pre-2012 loans. I also want to be clear that those older loans, that those borrowers benefited from lower tuition fees as well as lower interest rates, are not in scope of the current review of post-18 education and funding.

This sale is good for the taxpayer. It releases money that is tied up and serving no policy purpose, to invest in other policy priorities now, while keeping within the spending limits we need to strengthen public finances. The sold loans have already been in repayment for over nine years, and therefore a portion of the original value has already been paid back to the Government. The Government do not expect all of the remaining loans to be paid off in full and the sale guarantees money upfront today rather than waiting for fluctuating and uncertain payments over a long period of time. This sale also transfers risk to the private sector. Repayment income from student loans fluctuates with economic performance, as do tax receipts and managed expenditure like benefits. Selling the loans reduces the Government’s exposure to this fluctuation. The Government are committed to reducing public sector net debt in order to enhance the UK’s economic resilience, improve fiscal sustainability and lessen the debt interest burden on future generations. This sale makes a significant contribution to that objective.

The Government do not sell at any price. Throughout the process, the Government’s decision on whether to proceed remained subject to market conditions and a final value for money assessment. This looked at whether we were selling to an efficient market, that can price the asset efficiently, and at a price that was worth more to the Government than retaining the loans. The Government’s retention value takes into account predicted repayments, the effect of inflation, the riskiness of the asset and the opportunity cost of having money tied up in the asset.

I can confirm that the price offered in aggregate across the book was above the Government’s retention value range. I will shortly be laying before Parliament a report on the sale in accordance with section 4 of the Sale of Student Loans Act 2008. This will provide more detail on the sale arrangements, and the extent to which they give good value as well as covering the sale’s different fiscal impacts.

[HCWS1137]

HEALTH AND SOCIAL CARE

Joint Committee on the Draft Health Service Safety Investigations Bill Pre-legislative Scrutiny Report

The Minister for Care (Caroline Dinenage): The Government are, today, publishing their response to the report of the Joint Committee on the Draft Health Service Safety Investigations Bill which conducted pre-legislative scrutiny on the Bill. The Committee’s report was published in August 2018.

We published the draft Bill in September 2017 which set out legislative provisions to establish a new independent body to investigate healthcare safety incidents in the NHS in England.

I would like to thank the Chair and the members of the Committee for their report and commitment to improve this legislation. I would also like to thank all the contributors to the scrutiny process and all those who over the past three years have helped to shape and inform the development of the Healthcare Safety Investigation Branch and the Bill. I believe this scrutiny process has made a significant contribution to how we should move forward in improving safety and safety investigations in the NHS and the way we learn from incidents when things go wrong.

A copy of the response to the report will be laid before both Houses.

[HCWS1133]

INTERNATIONAL DEVELOPMENT

Disability Inclusion

The Secretary of State for International Development (Penny Mordaunt): For too long, disability has been a neglected issue in international development. An estimated 1 billion people globally have some form of disability. Disabled people are poorer than their non-disabled peers in terms of access to education, healthcare, employment, social support and civic involvement. They are at higher risk of violence and subject to widespread stigma and discrimination. The world will not achieve the sustainable development goals and its commitment
to leave no one behind without a sustained and concerted effort on disability inclusion.

That is why in July this year we hosted a global disability summit with the Government of Kenya and the International Disability Alliance. The summit focused global attention on disability inclusion, and brought together more than 1,000 delegates from Governments, donors, private sector organisations, charities and disabled people’s organisations. The summit mobilised commitments from more than 170 organisations and more than 320 Governments and organisations signed the summit’s “Charter for Change”. To ensure long-lasting impact of these commitments, my Department is working with partners on a robust monitoring process.

To support this ambition to make disability inclusion a reality in developing countries, I will ensure we place disability inclusion at the heart of everything DFID does. Our vision is for a world where all disabled people are engaged, empowered and able to exercise and enjoy rights on an equal basis with others, contributing to poverty reduction.

On international day for persons with disabilities, I launched DFID’s first disability inclusion strategy. We will increase access to inclusive education, improve social protection, empower people to find work and step up in humanitarian contexts. We will support disabled girls and women, tackle stigma and discrimination and harness the power of technology. We will also step up on mental health. The strategy will include stretching targets for all DFID business units to deliver, including a focus on regular and meaningful engagement of disabled people in our work.

DFID’s global leadership on disability inclusion is in the national interest in demonstrating UK values of fairness and inclusion, in supporting the most disadvantaged and in sharing UK expertise and practice. I want the UK to be a trailblazer at home and abroad. To do that we need our political offices to be inclusive and better reflect our society. That is why I am delighted to launch the EnAble Fund for Elected Office—a £250,000 commitment to help cover disability-related expenses people might face when seeking elected office. Further information is available via this link: https://www.disabilityrightsuk.org/enablefund.

A copy of the strategy has been published on gov.uk and will be placed in the Library of the House for the availability of Members (including an “easy read” version designed for people with learning disabilities).

[HCWS1138]

TRANSPORT

GTR: May Timetable Disruption

The Secretary of State for Transport (Chris Grayling): I wish to inform the House that the Department for Transport has completed its analysis of the events surrounding this year’s May timetable introduction on the GTR network. In line with Professor Stephen Glaister’s interim report, it has concluded that the disruption on this network was caused by a series of mistakes and complex issues across the rail industry.

I can announce today that the Government are holding GTR to account for its role in the unacceptable performance following the introduction of the May timetable. GTR will make no profit from its franchise in this financial year and looking ahead, we have also capped the amount of profit that the operator is able to make for the remainder of its franchise, which is due to expire in September 2021.

Furthermore, GTR will be contributing £15 million towards tangible improvements for passengers. This is in addition to the £15 million the operator has already contributed towards compensation for passengers since the May timetable disruption. GTR has agreed to work with the rail user groups representing passengers of Thameslink, Southern and Great Northern, who will determine what improvements this package will fund.

The Department has concluded that a termination of the franchise would cause further and undue disruption for passengers and is not an appropriate course of action.

Performance after the May timetable change was unacceptable. This action announced today holds GTR to account appropriately and will benefit passengers. The Department will continue to monitor closely the performance of GTR, particularly during the upcoming December timetable change. These measures do not make GTR immune from further sanctions in the event of any subsequent failure to perform.

[HCWS1132]

WORK AND PENSIONS

Employment, Social Policy, Health and Consumer Affairs Council: 6 December 2018

The Minister for Employment (Alok Sharma): The Employment, Social Policy, Health and Consumer Affairs Council will take place on 6 December 2018 in Brussels. I will represent the UK.

The Council will be invited to agree a general approach on a regulation establishing a European labour agency and on a third batch of amendments to the worker protection directive on carcinogens and mutagens (2004/37/EC).

The Council will receive reports on progress in negotiations regarding a regulation on the European Globalisation Adjustment Fund (EGF) and a proposal from 2008 for a directive on equal treatment.

The Council is also expected to reach political agreement on a recommendation on access to social protection for workers and self-employed, and to adopt a set of conclusions on gender equality, youth and digitalisation.

The Council will hold a policy debate on an issue related to the European semester. It will also receive a presentation from the Commission on its 2019 “Autumn Package” of annual growth survey, alert mechanism report, draft joint employment report, and draft recommendation on the economic policy of the euro area. The Council will also approve a contribution on that recommendation made jointly by the Employment Committee (EMCO) and the Social Protection Committee (SPC); endorse their joint messages on aspects of digitalisation and robotisation; and endorse EMCO’s key messages on the latest biennial assessment of member states’ progress tackling long-term unemployment.

Under any other business, the Commission will present information on its activities, as well as the Tripartite Social summit which took place on 16 October 2018. The presidency will provide information on current legislative proposals, the joint declaration on gender equality and presidency events on:
(i) Digitalisation of work;
(ii) Fight against occupational cancer; and
(iii) Gender equality.

The Maltese delegation will present a non-paper on future of the LGBTI list of actions and the Romanian delegation will provide information on their work programme for their upcoming presidency.

[HCWS1134]

Automatic Enrolment Annual Earnings Trigger and Qualifying Earnings Band Review

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): Automatic enrolment into a workplace pension has been a great success to date with over 9.9 million people having been automatically enrolled and all employers now having to comply with their automatic enrolment duties following the completion of the staged roll-out of the duties in March this year. More than 1.4 million employers have met their duties and overall annual pension saving for eligible employees has increased by £11.7 billion since 2012. The second phased increase in the minimum contribution rates to 8% will happen in April 2019.

The main focus of this year’s annual review of the automatic enrolment thresholds is to ensure the stability of the policy during the contribution increase next April. We also want to ensure that our approach continues to enable individuals, for whom it makes economic sense, to save towards their pensions whilst also ensuring affordability for employers and Government. The review has concluded that the earnings trigger will remain at £10,000 and both the lower and upper earnings limits will continue to be aligned to the national insurance contribution thresholds.

I intend to lay an order before Parliament in the new year which will include the following, for 2019-20:

- £50,000 for the upper limit of the qualifying earnings band.
- £6,136 for the lower limit of the qualifying earnings band.

The automatic enrolment earnings trigger will be maintained at £10,000.

I will place a copy of the analysis supporting the proposed revised thresholds in the House Library. These papers will be available later today on the www.gov.uk website.

Attachments can also be viewed online at: http://www.parliament.uk/writtenstatements

[HCWS1135]
In 2017, a wide coalition of industry and charity partners, led by the Government’s life sciences champion Professor Sir John Bell, published an ambitious life sciences industrial strategy to set a clear direction for the future economic growth of the sector. The Government’s response came within only 12 weeks of the strategy’s publication with the very first life sciences sector deal. The deal announced nearly £500 million of Government support and over £1 billion of new inward industry investment, bringing together industry partners from across the sector, charities, a range of Government agencies and the NHS to deliver its bold vision at pace.

One year on, the second life sciences sector deal is going even further, announcing additional measures to secure a global lead in the areas of greatest opportunity for the UK. Taken together with the first sector deal, these programmes are building on existing strengths and putting in place the foundations for future growth needed to develop the ecosystem that allows life sciences to continue to thrive in the UK. The second life sciences sector deal sets out:

In early detection of disease and genomics:
Major investments in the last year from Government and sector partners delivering on our commitment to build on our world-leading assets at UK Biobank, further backed by a new, world-first commitment to sequence one million whole genomes in the UK within the next five years, with an ambition to sequence five million in the same timeframe.
A new commitment, backed by up to £79 million of Government funding, to develop a first-of-its-kind, world-leading longitudinal cohort of healthy participants that will enable scientific research into the hidden signs of disease and the development of diagnostic tools to detect and diagnose diseases earlier.

In digital technologies and data analytics we are:
Laying down the building blocks to realise the full potential of NHS data, while maintaining public trust and maximising the benefits for NHS patients.
Setting out further detail on digital innovation hubs which will provide expert clinical research data services with world-leading data analysis and sharing capabilities—a core part of a wider programme to improve health data infrastructure and support digitally-enabled clinical research.
Detailing progress on five centres of excellence in digital pathology and radiology with AI including the announcement of a further £50 million investment in the programme as a first step towards making this a truly national asset to support early and improved diagnosis across the UK and deliver more efficient NHS services.

In advanced therapies:
Significant support has been allocated from the £146 million leading-edge healthcare package (part of the industrial strategy challenge fund) announced in the sector deal last year to build an impressive end-to-end national infrastructure.
Investors have recognised the strength in UK-grown advanced therapy biotechs and UK companies are scaling up their cell and gene therapy manufacturing facilities.

Wider policy measures are supporting the package, including:
Speeding up and streamlining the UK clinical environment.
Developing a regulatory framework that keeps pace with innovative technologies.
Helping the sector access the skills it needs.

The deal also sets out how we are delivering on our commitment to increase R and D spend in the UK to 2.4% of GDP by 2027. We are improving the uptake of innovation in the NHS, implementing the accelerated access review. This year the NHS will set out through its forthcoming long-term plan and the recently announced...
years.

Parties, and will commence on 1 January 2019 for a period of five

The 2019 voluntary scheme has now been agreed by all

agreement, a copy of which has been deposited in the Library of

the British Pharmaceutical Industry.

The Minister for Immigration, my right hon. Friend the Member for South West

Hertfordshire (Mr Gauke), will represent the UK for Interior day.

Interior day on 6 December will begin with a policy
debate on the proposed regulation to amend the European

border and coast guard regulation. The regulation aims to

reinforce the EU’s integrated border management strategy and further protect the external EU borders by

providing the European Border and Coast Guard Agency with a standing corps of 10,000 staff with executive

powers, dedicated equipment and the remit to act in

countries. This is a Schengen building measure which the UK does not participate in.

The Commission will present a progress report on the

proposed recast of the EU returns directive. The UK

chose not to participate in the current version of this

directive, and has yet to decide whether to participate in

this recast.

The presidency will seek agreement to a general approach on the proposed regulation on preventing the dissemination of terrorist content online. The UK supports this proposal which seeks to address the threat posed by the high-speed dissemination of terrorist content online. The UK is content with the outcome of negotiations on the regulation and is supportive of the proposed text, and of adoption of this regulation as soon as possible.

In the main Council and over lunch, there will be further debate on the comprehensive approach on migration, and on the reform of the common European asylum system, specifically the issue of solidarity, responsibility and relocation in the context of the Dublin IV proposal.

The UK does not participate in the Dublin IV proposal. The Council will also discuss measures to tackle organised immigration crime. The UK supports work to strengthen the EU’s external borders and to intensify relationships with key third countries in order to break smuggling networks and ensure that refuge is given to those who qualify for international protection.

There will also be a policy debate on Justice and Home Affairs: Priorities for the next MFF (2021-27). These programmes will commence after the UK’s exit from the EU and the end of the envisaged implementation period. The UK will not be participating in any future programmes as a member state.

During Justice day on 7 December, the presidency will seek to agree a general approach on the sale of goods directive.

The presidency will be seeking agreement to a general approach on the recast of Brussels IIa, the foundation EU regulation on family law. The proposed text of the recast improves the procedures supplementing the 1980 Hague convention regarding abducted children; the placement of a child in another member state; automatic recognition of judgments, authentic instruments and agreements; enforcement of these in other member states; and co-operation between the central authorities responsible for the administration of cases arising from the regulation. It also introduces a provision to provide an opportunity for a child to express his or her views in proceedings under the regulation.

The Council will discuss the proposal on the third-party effects of assignment of claims. The focus will be a policy debate on article 4, which determines the basic
rule of the proposal. The options for the basic rule are either the law of habitual residence or the law of the assigned claim. The UK has not opted into this proposal so will not intervene. The UK is content with either rule providing there is no disruption to current financial market practice.

The Council will discuss the proposed regulation relating to improving law enforcement access to data held by communication service providers (e-evidence), with the aim of achieving a general approach. As the UK is not participating in the regulation, we do not have a vote and will not intervene.

The Commission is expected to provide an update at this Council on the preparation of draft EU negotiating mandates for the second additional protocol to the (Budapest) cyber-crime convention and to open discussions with the US on the CLOUD Act. The Government will consider the implications of these proposals for the UK when they are published by the Commission.

The Commission will provide an update on the planned preparatory steps on the legal and organisational measures to be taken to make the European Public Prosecutor’s Office (EPPO) operational. The UK does not participate in the EPPO.

The presidency will be presenting a “state of play” paper on data retention. This reflects working level discussions on responding to the Court of Justice of the European Union’s judgments on the lawful retention of communications data.

Ministers will discuss, and be asked to approve, Council conclusions on ways to reinforce judicial co-operation in criminal justice through mutual recognition tools, including the European arrest warrant and European investigation order. The UK values our co-operation under these tools and will highlight our commitment to the principle of mutual recognition and the importance of close operational working between member states to ensure that they function efficiently.

There will also be a state of play item on EU accession to the ECHR.

### INTERNATIONAL DEVELOPMENT

#### World AIDS Day

The Secretary of State for International Development (Penny Mordaunt): Saturday 1 December marked the 30th anniversary of World AIDS Day. It is remarkable how different the global outlook is for people living with HIV in 2018 than it was in 1988. People can live full lives with HIV, as the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) demonstrated so poignantly on 28 November.

We have a lot to be proud of. The UK has now become one of the first countries to meet the United Nations’ 90-90-90 targets. We have demonstrated what is possible if the right services and support are in place, and when stigma and discrimination are challenged.

Globally, huge progress has been made—new HIV infections have halved since their peak in 1996. The UK has played a leading role since the beginning of the epidemic—helping to stop unnecessary AIDS-related deaths, preventing new HIV infections and investing in game-changing research and technology.

However, the end of AIDS is still not in sight. In 2017, nearly 1 million people died of AIDS, and one quarter of HIV positive people still do not know their status. We must continue to expand testing services, get more people on life-saving treatment, and address the structural issues that cause people to become infected.

That is why DFID remains one of the biggest donors to the HIV epidemic. Through our current £1.2 billion investment in the global fund to fight AIDS, TB and Malaria, UK Aid is expanding access to life saving HIV treatment and supporting countries to respond to their own epidemics.

In 2017 alone, UK Aid helped the global fund partnership to provide 17.5 million people with antiretroviral therapy and protect nearly 700,000 babies from being infected by their mothers. Furthermore, our 20-year agreement with Unitaid and ongoing support to the Clinton health access initiative has given the world great advancements in HIV testing and treatment, at affordable costs.

However, the HIV epidemic is complex and cannot be addressed fully with standalone programmes—that is why DFID is delivering an integrated approach. We support the integration of HIV with TB services and signed up to the political declaration at the high level meeting on TB at UNGA 2018, which includes ambitious targets on increasing access to preventative treatments for people living with both TB and HIV. We are also ensuring HIV is included in DFID’s health systems.
strengthening work, and we have embedded HIV within DFID’s education policy, humanitarian policy and our 2018 strategic vision for gender equality.

HIV and AIDS disproportionately affects women and adolescent girls. AIDS is still, shockingly, the biggest killer of women of reproductive age around the world, and every week around 7,000 young women are infected with HIV. To bring down HIV infections, we must continue to fight for gender equality, stop violence against women and girls and advance sexual and reproductive health and rights.

In places where DFID does not provide aid, we are advocating for public health evidence and human rights. The failure of some countries to address their HIV epidemics is political, not financial. Discrimination against “key populations”—LGBT people, injecting drug users, sex workers, prisoners—drives worrying HIV infection rates in some parts of the world.

As a nation committed to global values, we are championing equality overseas. The UK Government support civil society to challenge harmful policies and attitudes that exclude minorities and put them at greater risk of HIV infection. In July, we announced a £6 million uplift to the Robert Carr civil society networks fund to support grassroots organisations to combat HIV stigma, demand their rights and increase access to HIV services for key populations.

The UK Government are playing a leading role as we strive to reach the sustainable development goal to end AIDS by 2030. On this World AIDS Day, while we commemorate the lives affected by HIV and AIDS, we are also inspired to accelerate our efforts.

From 3 December, DFID is pleased to be joining forces with the Department of Health and Social Care, the Elton John AIDS Foundation and the Evening Standard for the “AIDS-free Christmas Appeal”. Through UK Aid Match, the UK Government will double public donations of up to £2 million for projects in Maputo and Nairobi—we will help these cities to achieve their own 90-90-90 goals, as we have so proudly done in the UK.

[HCWS1143]
Written Statements

Thursday 6 December 2018

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Capacity Market

The Minister for Energy and Clean Growth (Claire Perry): Following the decision on 15 November 2018 by the European Court to annul the European Commission’s approval for the UK capacity market, the Government are updating the House on the process that will be followed to ensure that the capacity market can be reinstated as speedily as possible.

As National Grid has already confirmed, the court ruling will not impact security of supply this winter. The ruling does not change the UK Government’s view that the capacity market is the right mechanism to deliver secure electricity supplies at least cost.

The Commission has confirmed that it will be conducting an investigation into the original state aid notification for the capacity market. This investigation covers the capacity market agreements already entered into including those for 2018-19 and 2019-20.

A positive final state aid decision would allow payments to be made to those agreement holders that have met their obligations during the standstill period. The Commission expects to make its opening decision on the issues covered in the investigation by early 2019.

To support this, National Grid will continue to operate the capacity market as normal but without payments being made to agreement holders. This will ensure that market participants can operate as normal and will also aid the calculation of future capacity market payments.

The Government have also confirmed an intention to hold a T-1 top-up auction during the summer of 2019, for delivery in 2019-20. Agreements secured through this auction will be conditional on the outcome of the Commission’s formal investigation.

The Government are also considering the viability of the capacity market supplier charge continuing to be collected under the expectation that payments will be passed on to agreement holders at the appropriate time.

A technical statement is being published which provides further detail to market participants on the next steps as agreed with the Commission. This can be found on the BEIS website.

We will continue to update market participants.

[HCWS1154]

General Affairs Council: Cohesion Policy

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): My right hon Friend the Parliamentary Under-Secretary for State for the Department of Business, Energy and Industrial Strategy (Lord Henley) has made the following written ministerial statement:

I attended the General Affairs Council (Cohesion) on 30 November 2018. The meeting was held in Brussels and chaired by the Austrian presidency.

The meeting was dedicated to deliberations around the legislative package for post-2020 cohesion policy.

A provisional report of the meeting and the conclusions adopted can be found on the Council of the European Union’s website at:


The General Affairs Council discussed the future direction of cohesion policy in the next multiannual financial framework. Ministers and their representatives from member states presented their positions on the legislative proposals for post-2020, with a view to influencing the Commission’s proposals and commenting on the views from the Austrian presidency.

Member states particularly focused on efforts for simplification, harmonisation, the strategic framework for future cohesion policy, and intervened on the partnership agreement and mid-term review. I intervened to support a link to the European semester, for further simplification and harmonisation, as well as outlining the UK position on the partnership agreement, the mid-term review and the proposals on European territorial co-operation.

The Austrian presidency provided an update on non-legislative and legislative items.

[HCWS1151]

Industrial Strategy: Aerospace Sector

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): As part of the industrial strategy, the Government are committed to making the most of the UK’s strengths, so we can be at the forefront of emerging technologies and industries in the years ahead.

The aerospace sector is a leading industrial sector for the UK with particular strengths in the design, manufacture and support of wings, engine as well as advanced systems such as landing gear and cockpit technologies. These activities are an undoubted strength of our economy; indeed, they are at the heart of the nation’s competitive advantage.

Sector deals are an extension of the Government’s close partnership with sectors such as aerospace and we are building on this through the aerospace growth partnership with this sector deal to ensure the UK maintains its leading position in the global market. This sector deal signals a joint intention to position the UK at the forefront of valuable emerging markets. It will do this by:

- boosting innovation through a joint industry and government investment in the future flight challenge, with up to £125 million of funding from the industrial strategy challenge fund, which industry will match. This programme will invest in developing demonstrators of new aircraft (such as drones and other electric aircraft), new models of airspace management, new approaches to ground support infrastructure and new markets for aircraft in local areas.
- expanding the successful national aerospace technology exploitation programme with joint funding from government and industry to boost research and development projects led by small and medium sized enterprises (SMEs).
- supporting SMEs in the UK aerospace supply chain to boost their competitiveness through a new productivity improvement programme.
- committing the industry to embed a women in aviation and aerospace charter to increase diversity and inclusion in the sector.
- enhancing the joint working between the aerospace industry and education providers to ensure a strong future pipeline of talented people are available to ensure the UK aerospace sector remains globally competitive.
The aerospace growth partnership has seen us work with industry to tackle barriers to growth, boost exports, and sustain high value jobs across the breadth of the UK. Together we have taken action to develop and implement initiatives to drive innovation, develop new product and manufacturing technologies, and to increase productivity. The sector deal is a key milestone in this relationship. It will position the industry for the future by developing new capability in exciting developments in air transportation for people and goods through the introduction of more electric and autonomous systems.

The aerospace sector has a turnover of £34.9 billion, directly employing 120,000 people, with productivity growth rates of 5% year on year. But we are not complacent. This deal will build on our strengths and set the industry on course for future success.

I will be placing a copy of the document in the Libraries of both Houses.

[HCWS1147]

DIGITAL, CULTURE, MEDIA AND SPORT

Heritage Statement: One Year On

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Michael Ellis): I am today publishing a “Heritage Statement: One Year On”. This document seeks to provide an update to the heritage statement of December 2017, and also builds on the 2016 Culture White Paper.

The heritage statement was created with the aim of linking the heritage agenda to our wider agendas and strategies for industry, for regeneration and place-making, for skills, for the environment, and for an internationalist, outward-looking Britain. It applies to England only, except where it relates to international issues and UK-wide policies and programmes.

The “One Year On” statement outlines the progress we have made since the heritage statement was published in 2017. In the last year, the heritage sector has gone from strength to strength, and we in Government recognise our shared heritage is the inheritance of all UK subjects.

This update seeks to outline the progress we have made, and areas where we will seek to deliver further change over the months to come.

The “Heritage Statement: One Year On” is available on gov.uk.

[HCWS1158]

EXITING THE EUROPEAN UNION

Citizens’ Rights

The Secretary of State for Exiting the European Union (Stephen Barclay): Citizens have always been our priority in the negotiations for our departure from the EU. The withdrawal agreement will provide certainty to around 3 million EU citizens in the UK and almost 1 million UK nationals in the EU, enshrining their rights in international law. The Government are clear that the reciprocal deal with the EU as set out in the withdrawal agreement is the only way to fully protect the rights of both UK nationals in the EU and EU citizens in the UK. The withdrawal agreement gives these citizens certainty that they can go on living their lives broadly as now.

Today, the UK Government are demonstrating their continued commitment to put citizens first. The “Citizens’ Rights—EU citizens in the UK and UK nationals in the EU” policy paper sets out the details of our offer to EU citizens in the UK in the unlikely event of a no-deal scenario, removing any ambiguity over their future.

Without the withdrawal agreement, the UK Government cannot guarantee the rights of the 1 million UK nationals living in the EU. I am therefore urging the EU and member states to reciprocate this offer and protect the rights of UK nationals resident in the EU in a no-deal scenario. I am pleased that some countries are already taking steps to do so. I have instructed ambassadors and heads of missions to raise this with their host Governments.

In an unlikely no-deal scenario the Government are committing to protect the rights of EU citizens and their family members resident in the UK by 29 March 2019, so that they can continue to work, study and access benefits and services on the same basis as now.

As there would be no agreed implementation period, EU citizens and their family members resident here by 29 March 2019 would have until 31 December 2020 to apply for a status under the EU settlement scheme. The process will be simple and streamlined.

Without the reciprocity provided for by the withdrawal agreement, we have decided in a small number of important areas that it is appropriate that the rights of EU citizens are brought in line with those of UK nationals, to bring fairness back into our immigration system. For example, in respect of rights to family reunification, we plan that EU citizens resident here by exit day would be able to be joined in the UK by their existing close family members, such as a spouse, under existing EU law, until 29 March 2022, after which point the future UK immigration rules would apply to such family reunion.

The Government recognise the uncertainty UK nationals in the EU will face in a no-deal scenario. The UK cannot act unilaterally to protect all of the rights of UK nationals in the EU, which is why we have always prioritised reaching a reciprocal agreement with the EU and why the deal we have negotiated is the best way forward. However, where it is in our control, we will support UK nationals through this unlikely outcome, such as through bilateral arrangements on healthcare, as reflected in the recently introduced Healthcare (International Arrangements) Bill.

If UK nationals in the EU were unable to continue to live their lives in the EU as they do now in a no-deal scenario and returned to the UK to live, there are a number of steps the Government would consider to address concerns that they have raised. This includes access to healthcare, education, benefits, and housing. We recognise that these would be an important part of a transition back to life in the UK.

We will continue to provide updates to UK nationals in the EU on gov.uk and through our network of embassies, consulates and high commissions. The Government will continue to press the EU and member states to reciprocate this offer and secure these rights as soon as possible for all UK nationals in the EU.
Let me reiterate that the withdrawal agreement is in the mutual interest of all our citizens. It is the only way for the Government to guarantee the rights of UK nationals in the EU.

I will be depositing the policy paper “Citizens’ Rights—EU citizens in the UK and UK nationals in the EU” in the Libraries of both Houses.

FOREIGN AND COMMONWEALTH OFFICE

Foreign Affairs Council

The Minister for Europe and the Americas (Sir Alan Duncan): The Secretary of State for Foreign and Commonwealth Affairs, my right hon. Friend the Member for South West Surrey (Mr Hunt), will attend the Foreign Affairs Council (FAC) on 10 December. It will be chaired by the High Representative of the European Union (EU) for Foreign Affairs and Security Policy (HRVP), Federica Mogherini, and will take place in Brussels.

Venezuela

Ministers will discuss the European External Action Service (EEAS) proposal for an international contact group (ICG) on Venezuela. The ICG would aim to act as a catalyst for an international process towards a solution to the ongoing Venezuelan crisis. The Council will also seek to agree a joint EU response to President Maduro’s re-inauguration on 10 January; the EU strongly criticised the conduct of the presidential elections that were held in May 2018.

Western Balkans

Ministers will discuss the political situation in the western Balkans, focusing on progress towards implementation of the Prespa agreement on Macedonia’s name deal, the EU-facilitated dialogue on Serbia-Kosovo and post-election Government formation in Bosnia and Herzegovina.

EU-African Union co-operation

Ministers will discuss EU-African Union co-operation ahead of an EU-AU ministerial meeting that will take place in January; the recently announced EU-Africa alliance will be the main focus of this meeting. The alliance has ambitious goals, including on investment and job creation. The UK will support the EU’s ambition to develop the partnership with Africa as this is in line with UK’s strategic approach to the continent.

Ukraine

The Ukrainian Foreign Minister will join EU Ministers to discuss the recent Russian aggression in the Black sea and the support he might expect from the EU. The UK will reiterate the need for collective messaging to Russia and for the urgent release of the detained crew and vessels. Russian action is a further example of its ongoing violation of Ukraine’s sovereignty and territorial integrity. The UK will reaffirm its support to Ukraine, for the right of free passage in the Kerch strait, and will welcome assurances from President Poroshenko that the martial law imposed across 10 regions will not be used to restrict individual rights.

Iran

We are expecting a wide-ranging, strategic discussion, covering the joint comprehensive plan of action (JCPOA), regional issues, ballistic missiles, and hostile Iranian activity in Europe. We will continue to emphasise that we remain committed to the JCPOA, including continued sanctions relief through the special purpose vehicle, for as long as Iran remains in compliance with its nuclear commitments under the deal. We will also underline that this commitment will not prevent us from taking action on other areas of concern such as Iran’s destabilising regional and ballistic missile activity. The discussion may also focus on the need to tackle the shared challenge of recent threats to European security.

Council conclusions

The Council is expected to adopt conclusions on the EU strategy on India, Burma, women peace and security and Libya.

HEALTH AND SOCIAL CARE

Clinical Negligence Indemnity Cover

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): Today, the Department of Health and Social Care is launching a consultation seeking the public’s views on the regulation of clinical negligence indemnity cover. All regulated healthcare professionals are required to hold appropriate clinical negligence cover for the risks of their practice, covering the costs of defending clinical negligence claims and damages awarded to patients. This is a condition of registration in the UK for all regulated healthcare professionals, and in the case of medical practitioners, a condition of licence under s.44C of the Medical Act 1983.

The current state-backed clinical negligence scheme for trusts provides cover for professionals working in NHS trusts, and it is anticipated that a future state-backed scheme will provide clinical negligence indemnity cover for NHS general practice in England. The Secretary of State announced his intention to develop the scheme in a written ministerial statement on 12 October 2017, Official Report, column 27WS. The Welsh Government are also planning to introduce a state-backed scheme for general practice indemnity.

Regulated healthcare professionals who are not covered by state-backed indemnity schemes are indemnified either through membership of a discretionary indemnity provider, such as a medical defence organisation, or by holding contracts of insurance with commercial insurers. Discretionary indemnity providers are not subject to financial conduct or prudential regulation.

The consultation will consider whether regulated healthcare professionals who will not be covered by any state-backed scheme should continue to be permitted to hold unregulated discretionary indemnity cover.

The Government’s objectives are to ensure patients’ access to appropriate compensation in the unfortunate event of them suffering physical injury as a result of clinical negligence, and that healthcare professionals hold stable and sufficient cover enabling the costs of
legitimate claims to be met. This will provide regulated healthcare professionals with greater clarity and confidence about the security and terms of their cover.

The consultation will be open for 12 weeks. Following consideration of responses to this consultation, if the Government are minded to introduce regulation, the Department will consult on the options for such regulation. I will inform the House of the Government’s response to the consultation when it is completed.

[HCWS1150]

Mental Health Act: Independent Review (Final Report)

The Secretary of State for Health and Social Care (Matt Hancock): “Modernising the Mental Health Act: Increasing choice, reducing compulsion”, the final report of the independent review of the Mental Health Act, has been published today.

The Government committed in their manifesto to reform mental health legislation. As a first step towards this, the Prime Minister asked Professor Sir Simon Wessely to chair a full and independent review of the Mental Health Act 1983. We welcome this report, and would like to thank Sir Simon and his vice chairs for their achievement in setting out a set of recommendations that have the overall purpose of increasing patient rights and improving the way the Act works for people.

I can confirm that the Government will consider the report and its recommendations in detail, and will respond in due course. Our intention remains to reform mental health law and so the Government will develop and bring forward legislation when parliamentary time allows.

I can today accept two of the report’s recommendations, which both highlight the review’s focus on increasing the rights and autonomy of patients:

- the establishment of new statutory advance choice documents (ACDs), so that people’s wishes and preferences can carry far more legal weight. These would enable people to express preferences on their care and treatment, to help ensure that these preferences are considered by clinicians, even when the person may be too ill to express themselves.
- ensuring that people have a say in which relative has power to act for them, through the creation of a new role of nominated person, to be chosen by the patient, rather than allocated to them from a list of relatives. This person would have enhanced powers in their role; both to be informed about the person’s detention in hospital and to be involved in decisions made about their care.

The report is available at: https://www.gov.uk/government/groups/independent-review-of-the-mental-health-act.

I have deposited a copy of the report in the Libraries of both Houses.

[HCWS1149]

HOME DEPARTMENT

Immigration Rule Changes

The Minister for Immigration (Caroline Nokes): The Secretary of State for the Home Department, my right hon. Friend the Member for Bromsgrove (Sajid Javid), will shortly be laying before the House a statement of changes in immigration rules.

The Government are clear that entrepreneurs play a key role in creating jobs and driving economic growth, which is vital to the prosperity of the UK. In June of this year, we announced a new start-up visa route. This will build upon the successes of the current tier 1 (graduate entrepreneur) route, expanding it to ensure that the UK can benefit from a wider pool of overseas talent looking to establish new businesses in the UK. Applicants will be endorsed by either a business or higher education institution sponsor.

We are announcing that we will build on this offer further by introducing a new innovator route, for more experienced business people. This will replace the current tier 1 (entrepreneur) route and have a similar emphasis on endorsement by a business sponsor, who will assess applicants’ business ideas for their innovation, viability and scalability.

Alongside this, we will reform our tier 1 (investor) route.

These reforms will be introduced in the spring and will ensure the UK remains a world-leading destination for investment and innovation. We will shortly be publishing a statement of intent setting out the details of how the reformed routes will work and I will place a copy in the Library of the House.

We are also introducing wider changes through these immigration rules which demonstrate our commitment to supporting talented leaders in their fields, and promising future leaders, coming to the UK under the tier 1 (exceptional talent) route. The changes will expand this route to provide for a route of entry for leading architects endorsed by the Royal Institute of British Architects, under the remit of Arts Council England (ACE). This change builds upon other reforms to the route earlier this year, including doubling the number of places available, providing for faster settlement to existing leaders in their fields endorsed under this route, and expanding the route to leading fashion designers, also endorsed under the remit of ACE. We will continue to work closely with our partners in this route to attract more leading international talent to the UK.

More broadly, the changes also include a number of minor, more technical changes to our tier 1 and tier 2 routes for highly skilled workers. These changes will be made to ensure the immigration rules remain up-to-date and for consistency purposes.

The Government greatly value the roles played by our charities and religious institutions and those who wish to come to the UK to contribute to these organisations are extremely welcome. However, there are some issues with the routes as they currently operate.

Our immigration system makes specific provision for both ministers of religion and those coming as religious workers. This distinction between the two roles reflects the importance we place on our faith leaders speaking English to a high standard, while at the same time still permitting other members of religious communities to contribute to the UK in non-pastoral roles.

While it is not the intention of the tier 5 religious workers route, our current rules could permit religious workers to perform roles, that include preaching and leading a congregation, without first being required to demonstrate that they speak English to an acceptable standard. To address this, we are prohibiting tier 5 religious workers filling roles as ministers of religion.
and direct them instead to do so through the correct tier 2 minister of religion sub-category. This will require ministers of religion to demonstrate a strong command of English and ensure they can interact with the community around them.

The tier 5 arrangements for religious workers and charity workers have always been intended to provide for only limited periods of residence in the UK of up to two years. We have however seen instances of migrants in these categories repeatedly applying for consecutive periods of leave, in effect achieving ongoing residency in the UK. We will therefore introduce a “cooling off period”, preventing tier 5 religious worker and tier 5 charity worker visa holders from returning to the UK, via these immigration routes for 12 months after their visa expires. This change ensures that we will continue to welcome those coming to make a contribution to our religious and charity organisations, while at the same time underpinning the Government’s intention that these are temporary routes.

On 6 September the Home Secretary issued a written ministerial statement (HCWS940), Official Report, column 15WS, announcing the introduction of a new pilot scheme for 2019, enabling non-EEA migrant workers to come to the UK to undertake seasonal employment in the horticultural sector. These amendments will set out the legislative framework for introducing this pilot.

This small-scale pilot will test the effectiveness of our immigration system at alleviating seasonal labour shortages during peak production periods, while maintaining robust immigration control and ensuring there are minimal impacts on local communities and public services.

The organisations chosen to fill the role of scheme operators for this pilot have been selected following a fair and open selection process, undertaken by the Department for Environment, Food and Rural Affairs.

The formal date of implementation for this pilot will be announced in due course.

[HCWS1159]

JUSTICE

Judicial Conduct Investigations Office

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): With the concurrence of the Lord Chief Justice, I will today publish the 12th annual report of the Judicial Conduct Investigations Office (JCIO), formerly known as the Office for Judicial Complaints.

The JCIO supports the Lord Chief Justice and the Lord Chancellor in our joint statutory responsibility for judicial discipline.

The judiciary comprises approximately 23,000 individuals serving across a range of jurisdictions. Over the past year, the JCIO received 2,147 complaints against judicial office holders. A total of 39 investigations resulted in disciplinary action. The JCIO did not meet two of its three key performance indicators, which was attributable to the challenges faced by a high turnover of staff.

I have placed copies of the report into the Libraries of both Houses, the Vote Office and the Printed Paper Office. Copies are also available online at: https://judicialconduct.judiciary.gov.uk/reports-publications/.

[HCWS1156]

Personal Injury Discount Rate

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): The Ministry of Justice is today publishing “Setting the Personal Injury Discount Rate: A Call for Evidence”. This call for evidence is intended to obtain evidence to inform the first review of the personal injury discount rate under the Civil Liability Bill. The call will remain open for eight weeks.

I have placed a copy of the call for evidence in the Libraries of both Houses.

[HCWS1155]

TRANSPORT

Sector Deal

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): As part of the industrial strategy, the Government committed to making the most of the UK’s strengths and to develop the infrastructure necessary to support this. The UK’s rail network supports people getting to work and training opportunities every day, enables businesses to access the talent they need to grow, and moves goods across the country and to our ports and airports.

The aim of this sector deal is to develop new, digital capabilities to support the railway in becoming an even stronger driver of economic growth and opportunity.

Sector deals bring the industry and the Government together in partnership to boost the productivity and earning power of specific sectors. The rail sector deal struck today follows ambitious sector deals with the life sciences, automotive, construction and artificial intelligence sectors.

The Government and rail industry have come together to agree a plan to increase efficiency, improve journeys and increase the sector’s capability to trade internationally. The deal was developed through close engagement with the UK’s world-class consulting engineering sector and wider rail supply chain, and with backing from the major train manufacturers in the UK. This engagement from the industry has been led by the rail supply and delivery groups, both of whom will be fundamental to delivering these ambitions.

The deal contains mutual commitments that will encourage innovation to improve passenger experience, provide the confidence necessary for investment in capital and skills, while reducing the cost to the taxpayer of state-of-the-art digital rail control systems. Furthermore, the deal, through collaboration between train manufacturers and those providing services and running the network, will provide a common data platform. This will enable businesses to access highly useful data held within the industry in order to develop services and products to meet passengers’ needs. This deal also includes a pilot programme in the midlands to attract further diversity and skills into our growing railway, supported by the midlands engine, LEPs and other regional partners.
This deal will support the rail industry into the next phase of its development as a world-leading industry. I will place a copy of the document in the Libraries of both Houses.

[HCWS1148]

WALES

Welsh Regional Government

The Secretary of State for Wales (Alun Cairns): On March 2017, the Government reached agreement with the Welsh Government and the four local authorities on a heads of terms city deal for the Swansea Bay city region to bring almost £1.3 billion of investment to the region, which is expected to create in excess of 9,000 jobs.

Since this time good progress has been made on developing a number of the projects within the overall deal programme. However, with no individual business cases yet approved I have today commissioned a joint independent review with the Welsh Government which will underpin the next phase of delivery.

This review will be independently led and will report to both the UK and Welsh Governments. It will consider a range of factors to provide a stocktake on progress to date as well as assurance that all elements of the deal are on track to deliver the full economic benefits of this ambitious programme. It will also consider matters of due diligence and governance, to ensure that oversight and compliance are robust. Its recommendations will inform future decisions on the release of Government funding as well as providing potential private investors with additional confidence across the deal as a whole.

Work on further developing individual projects will continue in parallel with the review.

[HCWS1157]
Petition

Monday 3 December 2018

OBSERVATIONS

EDUCATION

Home Education: draft guidance and the consultation

The petition of residents of the Cotswolds,

Declare that the "Home Education—Call for Evidence and revised DfE guidance" has been written following significant consultation with local authorities and no consultation whatsoever with the home education community; further that the consultation is consequently for little more than show as an intention to implement the content has already been stated: further that it seeks to encourage local authorities to breach the ECHR Article 8 and the GDPR; and further that the report provides no accessible means for a parent to address ultra vires behaviour by their local authority, where many of those authorities already act routinely in an ultra vires manner.

The petitioners therefore request that the House of Commons urges the Government to withdraw the draft guidance and the consultation, until it has put in place an accessible and workable complaints procedure and further has consulted with home educating parents, as it has with Local Authorities, what the contents should include.

And the petitioners remain, etc.—[Presented by Sir Geoffrey Clifton-Brown, Official Report, 25 October 2018; Vol. 648, c. 2P.]

[PO02278]

Observations from the Minister for School Standards (Nick Gibb):

The consultation “Home Education—Call for Evidence and revised DfE guidance” closed on 2 July 2018. The relevant documents can be found at:

As well as the call for evidence, the consultation includes draft versions of two guidance documents on the current arrangements for home education. These are intended to replace the Department for Education’s current non-statutory guidance for local authorities, which is to be found at:

The Department discussed home education with stakeholders in the normal course of business up to the launch of the consultation on 10 April.

All responses to the consultation will be considered before publishing the finalised guidance documents. At no point has the Department stated an intention to publish them as final versions without revision in the light of responses received to the consultation.

Representations on whether the contents of the two draft guidance documents breach Article 8 of the European Convention on Human Rights (right to private and family life) or the provisions of the General Data Protection Regulation (as embodied into UK law in the Data Protection Act 2018), will be taken into account as we consider responses to the consultation.

The documents in their draft form contain no reference to remedies for behaviour by local authorities. This is because no special provision for this is necessary in respect of home education. The Education Act 1996 already contains general provisions for this purpose relating to local authorities. However, the Department will consider whether the finalised versions of the guidance documents should contain specific information on this.

This Department does not recognise the suggestion that consultation has been flawed or inadequate. Several thousand responses, the majority of which have come from home educating families, have been received, as well as a substantial petition, and there has been considerable opportunity for detailed comment and input from such families. Following the consultation and consideration of the responses, the two guidance documents will be published in the autumn of 2018 in their revised and finalised form. In addition, a formal Government response document analysing responses to the call for evidence, and setting out next steps, will also be published in the autumn of 2018.
The following is an extract from Defence questions on 26 November 2018.

Armed Forces: Statutory Association Body

7. Patrick Grady (Glasgow North) (SNP): If the Government will award armed forces personnel the right to join a statutory association body. [907804]

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): With your permission, Mr Speaker, I will group this with Question 18.

Armed forces personnel are prohibited from joining any such lawful organisation. Personnel may become members of civilian trade unions and professional associations. If they are a member of a trade union, they cannot participate in any industrial action. [Official Report, 26 November 2018, Vol. 650, c. 10.]

Letter of correction from the Under-Secretary of State for Defence (Mr Tobias Ellwood): An error has been identified in the response I gave to the hon. Member for Glasgow North (Patrick Grady).

The correct response should have been:

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): With your permission, Mr Speaker, I will group this with Question 18.

Armed forces personnel are not prohibited from joining any such lawful organisation. Personnel may become members of civilian trade unions and professional associations. If they are a member of a trade union, they cannot participate in any industrial action.

WORK AND PENSIONS

Universal Credit: Lone Parents

The following are extracts from questions to the Secretary of State for Work and Pensions on 19 November 2018.

21. Alison McGovern (Wirral South) (Lab): What assessment she has made of the effect of universal credit on lone parents. [907678]

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): Lone parents are the primary beneficiaries of the Government’s decision to increase the help provided for childcare from 70% to 85%, which will help us to enhance the record levels of lone parent employment in this country. Alison McGovern: The whole House will be aware that lone parent employment increased radically under the last Labour Government, but unfortunately lone parents now face being worse off because of universal credit. So can the new Secretary of State and her ministerial team guarantee that as part of their review they will make sure that no lone parent family in this country is worse off because of universal credit?

Justin Tomlinson: The lone parent employment rate is now at 67.6%, which is a record high and something this Government are very proud of. We will continue to try to push to see that figure go up further. We have made announcements on increasing the national living wage, which has seen a real-terms increase of 8% over the past three years, and changes to the income tax threshold worth £1,200, while the national living wage in itself, for somebody working full-time, is worth £2,000. That is making sure that lone parents who are working are getting the support to have more money available at the end of every month. [Official Report, 19 November 2018, Vol. 649, c. 566.]

Letter of correction from the Under-Secretary of State for Work and Pensions, the hon. Member for North Swindon (Justin Tomlinson): Errors have been identified in the responses I gave to the hon. Member for Wirral South (Alison McGovern). The correct responses should have been:

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): Lone parents are the primary beneficiaries of the Government’s decision to increase the help provided for childcare from 70% to 85%, which will help us to enhance the near record levels of lone parent employment in this country.

Alison McGovern: The whole House will be aware that lone parent employment increased radically under the last Labour Government, but unfortunately lone parents now face being worse off because of universal credit. So can the new Secretary of State and her ministerial team guarantee that as part of their review they will make sure that no lone parent family in this country is worse off because of universal credit?

Justin Tomlinson: The lone parent employment rate is now at 67.1%, which is a near record high and something this Government are very proud of. We will continue to try to push to see that figure go up further. We have made announcements on increasing the national living wage, which has seen a real-terms increase of 8% over the past three years, and changes to the income tax threshold worth £1,200, while the national living wage in itself, for somebody working full-time, is worth £2,000. That is making sure that lone parents who are working are getting the support to have more money available at the end of every month.
Ministerial Correction

Thursday 29 November 2018

HEALTH AND SOCIAL CARE

Topical Questions

The following is an extract from Health and Social Care questions on 27 November 2018.

James Cartlidge (South Suffolk) (Con): Next year marks 10 years since the passing of the Autism Act. What more can the Government do to support people who suffer from autism?

Caroline Dinenage: To mark the fact that it will be 10 years since the Autism Act was passed, we will start a formal review of that piece of legislation and the autism strategy, to ensure that they remain fit for purpose and heading in the right direction.


Letter of correction from the Minister for Care:

Errors have been identified in the response I gave to my hon. Friend the Member for South Suffolk (James Cartlidge).

The correct response should have been:

Caroline Dinenage: To mark the fact that it will be 10 years since the Autism Act was passed, we will start a formal review of how that piece of legislation has been put into practice, including the autism strategy, to ensure that they remain fit for purpose and heading in the right direction.
Ministerial Corrections

Monday 3 December 2018

TREASURY

Finance (No. 3) Bill

The following are extracts from the Finance (No. 3) Public Bill Committee, on Tuesday 27 November 2018.

Mel Stride: The hon. Lady makes an entirely reasonable request for that information. As I indicated, I am happy to provide it to her. In fact, divine inspiration has just arrived—I have an answer; I knew it was lost somewhere in my mind. There have, in fact, been 12 opinions, all of which have been supportive of HMRC. If she would care for any further information, I am happy to provide it outside the Committee.

[Official Report, Finance (No. 3) Public Bill Committee, 27 November 2018, c. 28.]

Rory Stewart: I want to emphasise that the phrase “minor injuries” is derived from Judicial College guidelines, not from the Government or any political party. It is simply a long-standing convention to refer to injuries of under two years’ duration as minor injuries, and that relates to Judicial College guidelines for injuries of under two years’ duration.

On the arguments of the hon. Member for Hammersmith about the levels of the tariffs, we have attempted to achieve a reduction in the tariff at the lower end. For example, an individual who suffers an injury of under three months’ duration could receive damages considerably less than those in the current guidelines, but I hope that the hon. Gentleman accepts that, as we approach a duration of two years, the compensation offered begins to merge much more closely with the existing guidelines at a level of £3,600.


The correct response should have been:

Rory Stewart: On the arguments of the hon. Member for Hammersmith about the levels of the tariffs, we have attempted to achieve a reduction in the tariff at the lower end. For example, an individual who suffers an injury of under three months’ duration could receive damages considerably less than those in the current guidelines, but I hope that the hon. Gentleman accepts that, as we approach a duration of two years, the compensation offered begins to merge much more closely with the existing guidelines at a level of £3,910.

JUSTICE

Civil Liability Bill [Lords]

The following are extracts from the Report stage of the Civil Liability Bill [Lords] on 23 October 2018.

John Howell: Earlier this afternoon, the Minister will have heard my hon. Friend the Member for Croydon South (Chris Philp) give an example of how he was approached—hassled, in fact—by a claims management company. I, too, have been in that situation for a fictitious accident and I still get calls about that. Is dealing with this not one of the real ways that we will be able to prevent our being the whiplash capital?

Rory Stewart: My hon. Friend makes a very good point, which has been made by the shadow Front-Bench team and others: dealing with claims management companies is going to be a central part of this. Consultation has taken place on this, and measures have been taken...
against claims management companies. A significant issue remains, which we are consulting on and trying to resolve—to be honest with the House, it is the fact that many of these calls come from foreign jurisdictions, so the challenge is trying to work out the best way to deal with that.


Letter of correction from the Minister of State, Ministry of Justice, (Rory Stewart).

An error has been identified in a response I gave during the Third Reading debate on the Civil Liability Bill [Lords].

The correct response should have been:

John Howell: Earlier this afternoon, the Minister will have heard my hon. Friend the Member for Croydon South (Chris Philp) give an example of how he was approached—hassled, in fact—by a claims management company. I, too, have been in that situation for a fictitious accident and I still get calls about that. Is dealing with this not one of the real ways that we will be able to prevent our being the whiplash capital?

Rory Stewart: My hon. Friend makes a very good point, which has been made by the shadow Front-Bench team and others: dealing with claims management companies is going to be a central part of this. Consultation has taken place on this, and measures have been taken against claims management companies. A significant issue remains, which we are trying to resolve—to be honest with the House, it is the fact that many of these calls come from foreign jurisdictions, so the challenge is trying to work out the best way to deal with that.

Rory Stewart: I have the following on a formal piece of paper here, so that I can make my Pepper v. Hart statement to make sure that this is clear for the judiciary. In subsection (3), therefore, we have excluded those soft tissue injuries in the neck, back or shoulder which are part of or connected to another injury, so long as the other injury is not covered by subsection (2). The effect of subsection (3) would be to exclude, for example, damage to soft tissue which results only from the fracture of an adjoining bone or the tearing of muscles arising from a penetrating injury, which would otherwise fall within subsection (2). It has been suggested that the words “connected to another injury” in subsection (3)(a) could mean an injury resulting from the same accident. There is therefore a concern that a number of soft tissue injuries that would otherwise fall under the definition of whiplash injury will be excluded, and so not subject to the tariff of damages, simply by reason of being suffered on the same occasion as a non-whiplash injury.

LEADER OF THE HOUSE

Business of the House

The following is an extract from Business questions in the Chamber on 22 November 2018.

Thangam Debbonaire (Bristol West) (Lab): On 9 May, 12 July and 6 September, I asked the Leader of the House about the whereabouts of the immigration Bill. I think that there is still no answer, but let me give her a break and ask her about a different Bill. Would not 25 November, International Day for the Elimination of Violence Against Women, be a terribly good day on which to lay the domestic abuse Bill before Parliament?

Andrea Leadsom: The hon. Lady will know that the Government have published a draft Domestic Violence and Abuse Bill. It is intended to be groundbreaking, and will be extremely comprehensive. We want to be sure before we introduce it that we have taken into account all considerations in our efforts to put an end to the appalling problem of domestic violence once and for all.


Letter of correction from the Leader of the House:

An error has been identified in my response to the hon. Member for Bristol West (Thangam Debbonaire) during Business questions on 22 November 2018.

The correct response should have been:

Andrea Leadsom: The hon. Lady will know that the Government will publish the draft Domestic Violence and Abuse Bill later this Session. It is intended to be groundbreaking, and will be extremely comprehensive. We want to be sure before we introduce it that we have taken into account all considerations in our efforts to put an end to the appalling problem of domestic violence once and for all.
Ministerial Correction

Wednesday 5 December 2018

FOREIGN AND COMMONWEALTH OFFICE

Refugee Crises

The following is an extract from Foreign and Commonwealth Office questions on 4 December 2018.

Sir Desmond Swayne (New Forest West) (Con): Exactly what are we signing up to at Marrakesh?

Harriett Baldwin: We are signing up to the global compact on refugees. I should clarify for the House that it is a different document from the one that has perhaps generated more controversy: the global compact on migration.


Letter of correction from the Minister for Africa:

An error has been identified in the response I gave to my right hon. Friend the Member for New Forest West (Sir Desmond Swayne).

The correct response should have been:

Sir Desmond Swayne (New Forest West) (Con): Exactly what are we signing up to at Marrakesh?

Harriett Baldwin: We are signing up to the global compact on migration. I should clarify for the House that it is a different document and has perhaps generated more controversy than the global compact on refugees.
Ministerial Correction

Thursday 6 December 2018

WORK AND PENSIONS

Carer’s Allowance Overpayments

The following is an extract from a debate in Westminster Hall on Carer’s Allowance Overpayments on 27 November 2018.

Justin Tomlinson: We suspect that the estimate of 5.5% fraud and error, which was set in 1996-97, does not reflect the reality today. The new measure, which will come in next year, can accurately set out where we should be, and where we should then target and prioritise our resources to prevent, identify and counter fraud and error even more effectively and efficiently.


Letter of correction from the Under-Secretary of State for Work and Pensions, the hon. Member for North Swindon (Justin Tomlinson).

An error has been identified in my response to the debate.

The correct response should have been:

Justin Tomlinson: We suspect that the estimate of 5.5% fraud and error, which was set in 1996-97, does not reflect the reality today. The new measure, which will come in 2020, can accurately set out where we should be, and where we should then target and prioritise our resources to prevent, identify and counter fraud and error even more effectively and efficiently.